
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☐ All Residential Care Evaluator Manual Holders
☒ All Evaluator Manual Holders

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Subject:

REFERENCE MATERIAL: APPLICATION SECTION

Reason For Change:

To incorporate revisions and cleanup of the Application Section, the entire section is being reissued.

It includes updated terminology to correspond with the Community Care Licensing Division's reorganization.

Filing Instructions:

☒ REMOVE - Entire Application Section

☒ INSERT - This Package

Approved:

Original Copy Signed by
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2-5-02
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TABLE OF CONTENTS

APPLICATION.....	3-0000
GUIDELINES FOR PROCESSING APPLICATIONS	3-0025
THREE COMPONENT ORIENTATION PROCESS.....	3-0050
LICENSING PROGRAM ANALYST PROTOCOL DURING THE ORIENTATION PROCESS	3-0060
COMPONENT I ORIENTATION SESSION	3-0100
I. Opening the Session.....	3-0110
II. General Information	3-0120
III. Compliance/Monitoring/Administrative Issues	3-0130
IV. Application Process.....	3-0140
V. Component I Handouts.....	3-0150
VI. Application Booklet	3-0160
VII. Child Care Center.....	3-0170
VIII. Community Care Facility	3-0180
IX. Residential Care Facility for the Elderly.....	3-0190
SECTION A GUIDELINES	3-0210*
A 1. Application (LIC 200).....	3-0212
A 2. Applicant Information (LIC 215).....	3-0214
A 3. Designation of Administrative Responsibility (LIC 308).....	3-0216
A 4. Administrative Organization (LIC 309).....	3-0218
A 5. Affidavit Regarding Client Cash Resources (LIC 400)	3-0220
A 6. Surety bond (LIC 402)	3-0222
A 7. Estimated Operating Budget (LIC 401)	3-0223
A 8.A Supplemental Financial Information (401a)	3-0224
A 8.b Balance Sheet (LIC 403).....	3-0225
A 8.C Balance Sheet Supplemental Schedule (403a)	3-0226
A 9. Financial Information Release and Verification (LIC 404).....	3-0228
A 9.A Budget Information (LIC 420)	3-0230
A 10. Personnel Report (LIC 500)	3-0232
A 11. Personnel Record (LIC 501)	3-0234
A 12. Health Screening Report (LIC 503)	3-0236
A 13. Disaster and Mass Casualty Plan (LIC 610)	3-0238
A 14. Facility Sketch (LIC 999).....	3-0239
A 15. Fingerprints	3-0240
A 16. Child Abuse Central Index Check (LIC 198).....	3-0242

TABLE OF CONTENTS (Continued)

SECTION B GUIDELINES.....	3-0252
B 1. Partnership Agreement/Articles of Incorporation.....	3-0252*
B 1. (a) Articles of Organization for Limited Liability Companies	
B 2. Verification of Administrator/ Director Qualifications	3-0254
B 3. Verification of Social Work Staff	3-0256
B 4. Job Descriptions	3-0258
B 5. Personnel Policies	3-0260
B 6. In Service Training for Staff	3-0262
B 7. Facility Program Description	3-0264
* FOR ADDITIONAL GROUP HOME APPLICATION REQUIREMENTS, SEE SECTION 3-0279	
B 8. Discipline Policies.....	3-0266
B 9. Admission Policies.....	3-0268
B 10. Sample Menu.....	3-0270
B 11. List of Furniture and/or Play Equipment (Child Care Only).....	3-0272
B 12. Control of Property.....	3-0274
B 13. Bacterial Analysis of Water	3-0276
Other Information Required by Statute or Regulation	3-0278
Group Home Program Statement	3-0279
CLOSING COMPONENT I SESSION	3-0280
SECTION B CHECKLIST	3-0290
APPLICATION FOLLOW-UP ACTIVITIES.....	3-0295
APPLICATION FOLLOW-UP ACTIVITIES FAMILY CHILD CARE HOMES.....	3-0296
COMPONENT II	3-0300
I. Sample Face to Face Interview Letter.....	3-0310
II. Conducting Face to Face Interview	3-0350

TABLE OF CONTENTS (Continued)

COMPONENT III (Category Specific Orientation/Training)	3-0400
I. Opening the Session	3-0450
II. General Licensing Requirements	3-0460
III. Continuing Requirements.....	3-0470
IV. Physical Environment	3-0480
V. Category Specific Regulations	3-0500
VI. Residential Care Facility for the Elderly.....	3-0510
VII. Child Care Centers	3-0550
VIII. Infant Centers	3-0560
IX. School-Age Centers.....	3-0570
X. Child Care Centers for Mildly Ill Children	3-0580
XI. Group Homes	3-0600
XII. Adult Residential Care Facilities.....	3-0650
XIII. Small Family Homes	3-0700
XIV. Adult Day Care.....	3-0800
XV. Adult Day Support Center.....	3-0850
XVI. Other Areas to be Covered.....	3-0900
XVII. Component III Handouts	3-0950
 RCFE FACILITIES WITH CONTINUING CARE	3-0960
I. General Statement	3-0961
II. Continuing Care Contracts Branch	3-0962
III. Preliminary Approval.....	3-0963
IV. Processing RCFE Applications	3-0964
V. Issuance/Denial of RCFE License.....	3-0965
VI. Facility Evaluations/Annual Visits.....	3-0966
VII. Complaints, Non-Compliance and Adverse Actions	3-0967

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS**3-0025**

The procedures contained in this section were developed to ensure statewide consistency in the processing of applications, from the point of acceptance to the approval process. These guidelines replace any current individual office practices.

Although the application process starts when an individual attends the Component I Orientation Session, the actual processing time does not begin until an application is submitted to the Regional Office. An application should be accepted or rejected by the Regional Office within five working days of receipt. The application is reviewed to ensure that all Section A and B documents have been submitted and are complete. An application should be accepted when all Section A forms and B documents have been received. However, in order to prevent unnecessary delays in the application process, an application should be accepted when all of Section A forms and no more than two B documents are missing or incomplete. The LIC 184, Notification of Incomplete Application should be sent to the applicant, outlining which B documents are incomplete or missing. This notification should be sent the same day the application is accepted. The applicant should be advised to bring the one or two missing B documents to the face-to-face interview.

Once the application is accepted, and if the application is for a residential care facility for the elderly, residential care facility for the chronically ill, adult residential facility, or group home, a credit report is required to be obtained. Each residential Regional Office has an account with a credit bureau that allows the Licensing Program Analyst to obtain a credit report on the applicant(s). Credit Reports on individual applicants are obtained from Trans Union and Corporate Business Reports are obtained from Business Credit Information. Each Regional Manager should maintain a credit bureau usage log that tracks the requester and applicant to prevent abuse of the sensitive information.

The Fair Credit Reporting Act (FCRA) is very strict regarding the usage of credit reports. **Be aware that the Community Care Licensing Division is only permitted by the Fair Credit Reporting Act to request credit reports on an individual who has signed the application, excluding corporate officers.** For corporations, a credit report will be obtained on the corporation only (**NOT THE OFFICERS**). If the applicant is a limited partnership, the evaluator will only request a credit report on the general partners. If the applicant is a Limited Liability Corporation, we may only obtain a report on the corporation.

It is important for users to understand their responsibility and the law with regard to credit reports. The credit report information is sensitive and to be filed in the CONFIDENTIAL information section of the facility file.

The Fair Credit Reporting Act provides that any person who knowingly or willfully obtains information via the credit report under false pretense is subject to a fine of not more than \$5,000 or imprisonment of up to one year.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued)**3-0025**

Additionally, the Community Care Licensing Division is required to provide written notice to the applicant when the denial of the application; in whole or part, is the result of information contained on their credit report. For adverse actions involving decisions about a license, the notification must include the following:

- The name, address, and toll-free telephone number of Trans Union that provided the report. Trans Union's toll free number is 800-888-4213.
- A statement that Trans Union did not make the adverse decision and is not able to explain why the decision was made.
- A statement setting forth the applicant's/licensee's right to obtain a free disclosure of his/her file from the credit bureau if the applicant/licensee requests the report within 60 days.
- A statement setting forth the applicant's/licensee's right to dispute directly with the credit bureau the accuracy or completeness of any information provided by the credit bureau.

In meeting the legal requirements, the "Denial of Licensure Based on your Credit Report" letter has been drafted for use in notifying the applicant/licensee that information contained on their credit report will have an adverse affect on their application/license. This "Denial of Licensure Based on Your Credit Report" letter satisfies all the pertinent terms identified above.

This letter and the "Rights" enclosure are found on pages 7 through 11 of this section and are also available in the Community Care Licensing Division Common Library. The letter in the Common Library and is called "Denial of Licensure Based on Your Credit Report".

Within ten calendar days of acceptance of the application, the face-to-face interview must be scheduled. If there are any incomplete or outstanding application forms, the applicant should be reminded to bring the documents to the face-to-face. The interview is to be conducted within 30 calendar days from the date the letter scheduling the interview is mailed to the applicant.

Prior to the face-to-face interview, the Licensing Program Analyst should review the application thoroughly utilizing the Section A and B Guidelines. Any required verifications or research of discrepancies or concerns of the credit report should be done at this time. Refer to the Credit Report Evaluation Criteria located in the Appendix Section, Tab C, of the Evaluator Manual. Should any discrepancies or concerns be encountered in evaluating a credit report, use one of the appropriate letters found in Section 3-0310 to set up the face-to-face. The letters found in Section 3-0310 can be found in the Community Care Licensing Division common library.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued) 3-0025

The Licensing Program Analyst should outline any concerns or issues to be discussed at the interview.

The face-to-face interview is to be conducted as outlined in Section 3-0350. While the applicant is in the office, the pre-licensing visit should be scheduled. The Evaluator should also verify that the applicant is signed up for Component III.

Once the above requirements have been met and all outside clearances have been received (refer to Section 3-0295), the Licensing Program Analyst should be ready to approve or deny the application. The time frames for the entire application process should range from 45 to 90 days. In addition, there is a statutory requirement to process additional applications for existing licensees within 60 days after submission of a complete application. Any pending application that cannot be approved or denied within 90 days should be brought to the attention of the Local Unit Manager.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued) 3-0025

This letter and the consumer's rights that follow the letter are found in the Intranet under Credit and Business Report Information, Denial of Licensure Based on your Credit Report.

(Regional Office Address)

(Current Date)

(Community Care Licensing Division License Applicant Name and Address)

Dear (License Applicant)

SUBJECT: DENIAL OF LICENSURE BASED ON YOUR CREDIT REPORT

You are hereby notified that your recent application for a license with the California State Department of Social Services, Community Care Licensing Division, is denied.

A credit report for licensing purposes was obtained from Trans Union. Contained in that report is information which indicates you have:

- ☐ Delinquent credit accounts
- ☐ State tax liens
- ☐ Federal tax liens
- ☐ Delinquent child support payments
- ☐ Used your Social Security number inappropriately
- ☐ Other. (State Reason)

which was considered, in whole or part, as a basis for the denial.

Further, in accordance with Section 615 (a) of the Fair Credit Reporting Act, we are required to provide you with the following information:

- Trans Union did not make the decision to deny your application for a license and will not be able to explain the reasons for our decision.
- You are entitled to obtain a free copy of your credit report from Trans Union, as long as a copy of the report is requested within 60 days of this notice.
- You are entitled to dispute the accuracy or completeness of any information contained on the report directly with Trans Union.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued)**3-0025**

- The address and phone number for Trans Union is:

Trans Union
PO Box 1000
Chester, PA 19022
(800) 888-4213

- The website for Trans Union is www.Transunion.com.

A summary of your rights under the Fair Credit Reporting Act is enclosed with this letter. Should you have any questions or concerns regarding this letter, please contact _____ at _____.

Sincerely

Enclosure

c:

A Summary of Your Rights Under the Fair Credit Reporting Act

The Federal Fair Credit Reporting Act is designed to promote accuracy, fairness, and privacy of information in the files of every “consumer reporting agency”. Most consumer reporting agencies are credit bureaus that gather and sell information about you – such as if you pay your bills on time or have filed bankruptcy – to creditors, employers, landlords, and other businesses. You can find the complete text of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-168u, at the Federal Trade Commission’s web site (<http://www.ftc.gov>). The Fair Credit Reporting Act gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- You must be told if information in your file has been used against you. Anyone who uses information from a consumer reporting agency to take action against you – such as denying an application for credit, insurance, or employment – must tell you, and give you the name, address, and phone number of the consumer reporting agency that provided the consumer report.
- You can find out what is in your file. At your request, a consumer reporting agency must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the consumer reporting agency, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every 12 months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a consumer reporting agency may charge you up to eight dollars.
- You can dispute inaccurate information with the consumer reporting agency. If you tell a consumer reporting agency that your file contains inaccurate information, the consumer reporting agency must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the consumer reporting agency. (The source also must advise national consumer reporting agencies – to which it has provided the data – of any error.) The consumer reporting agency must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the consumer reporting agencies investigation does not resolve the dispute, you may add a brief statement to your file. The consumer reporting agency must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued)**3-0025**

- Inaccurate information must be corrected or deleted. A consumer reporting agency must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. However, the consumer reporting agency is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified. If your dispute results in any change to your report, the consumer reporting agency cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the consumer reporting agency must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- You can dispute inaccurate items with the source of the information. If you tell anyone – such as a creditor who reports to a consumer reporting agency – that you dispute an item, they may not then report the information to a consumer reporting agency without including a notice of your dispute. In addition, once you have notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- Outdated information may not be reported. In most cases, a consumer reporting agency may not report negative information that is more than seven years old; ten years for bankruptcies.
- Access to your files is limited. A consumer reporting agency may provide information about you only to people with a need recognized by the Fair Credit Reporting Act – usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- Your consent is required for reports that are provided to employers, or reports that contain medical information. A consumer reporting agency may not give out information about you to your employer, or prospective employer, without your written consent. A consumer reporting agency may not report medical information about you to creditors, insurers, or employers without your permission.
- You may choose to exclude your name from consumer reporting agency lists for unsolicited credit and insurance offers. Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the consumer reporting agency form provided for this purpose, you must be taken off the lists indefinitely.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued) 3-0025

- You may seek damages from violators. If a consumer reporting agency, a user or (in some cases) a provider of consumer reporting agency data, violates the Fair Credit Reporting Act, you may sue them in State or federal court.

3-0025 GUIDELINES FOR PROCESSING APPLICATIONS (Continued)**3-0025**

The Fair Credit Reporting Act gives several different federal agencies authority to enforce the Fair Credit Reporting Act:

FOR QUESTIONS OR CONCERNS REGARDING:	PLEASE CONTACT:
CRA's, creditors and other not listed below	Federal Trade Commission Consumer Response Center – FCRA Washington, DC 20580 * 202-326-3761
National banks, federal branches/agencies of foreign banks (word “National” or initials “N.A.” appear in or after bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 * 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 * 202-452-3693
Savings associations and federally chartered savings banks (word “Federal” or initials “F.S.B.” appear in federal institution’s name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 * 800-842-6929
Federal credit unions (words “Federal Credit Union” appear in institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 * 703-518-6360
State-chartered banks that are not members of the Federal Reserve System)	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 * 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 * 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 * 202-720-7051

3-0050 THREE COMPONENT ORIENTATION PROCESS**3-0050****GENERAL STATEMENT**

The Licensing application process is facilitated by a three component orientation and application process as follows:

COMPONENT I

A category specific orientation session which includes an overview of the licensing program, including the laws which govern the program's inspection and enforcement authority, a description of facility types and a discussion of client populations, a brief explanation of compliance, monitoring and administrative issues and a complete review of the application process, the A and B Guidelines and corresponding regulations.

For Limited Liability Companies, a managing member or a manager of the Limited Liability Company must attend in addition to the individual facility administrator. The managing member or manager must be authorized to act on behalf of the limited liability company. Such authority must be stated in either the operating agreement for the limited liability company or in a written delegation of authority by the person or persons authorized in the operating agreement to delegate their authority to act on behalf of the limited liability company.

COMPONENT II

A face to face interview, to discuss the application packet and process and to ensure that the applicant and designated administrator or director understands and is capable of providing the services outlined in the facility program submitted. In the case of corporate applicants, the President of the Board or the Chief Executive Officer and the administrator/director will participate in the interview. If the President or Chief Executive Officer is unable to attend, the responsibility must be delegated in writing by Board Resolution or a letter from the Chief Executive Officer to an individual that is an executive or officer within the corporation. If the applicant is a limited liability company, a managing member or manager must attend in addition to the on-site administrator/director. If the applicant is a public corporation, the Superintendent of Schools, a member of the School Board, a representative of the City or county Managers Office, or a member of the City or County Board of Supervisors will be required to attend as the applicant. The individual designated cannot be the on-site administrator/director. This interview is conducted after submission of a completed application (Section A and B), and before the pre-licensing visit.

COMPONENT III

A category specific session of continuing requirement regulation review, with an emphasis on the facility operation and commonly found problem areas. This session will provide the soon-to-be licensee with sufficient information to operate the facility within substantial compliance, as well as how to avoid common problem areas or pitfalls of a facility operation.

3-0050 THREE COMPONENT ORIENTATION PROCESS (Continued)**3-0050**

All new applicants and current licensees, including corporations and limited liability companies, applying for an additional license must participate in the three components. It will not be necessary to repeat this process when applying for an additional license in the same facility category if the licensee has participated in the orientation process within the last two years. However, if a licensee has employed a new administrator/director for the new location, that individual will be required to participate in all components. The same individuals attending the first two components shall also attend component III.

If the licensee plans to temporarily use a current administrator/director from an existing site, it should be explained that once the new administrator/director is hired, that individual will be required to attend the next available Component III session.

If an existing licensee is applying for an increase in capacity only or changing the facility location, that individual does not have to attend or repeat the three components.

If an individual attends Component I, but does not submit an application within six months of the orientation, that person must repeat Component I.

In most instances, the initial orientation (Component I) and the category specific regulation review (Component III) will be scheduled and conducted for individual facility categories. Component I and Component III sessions should be scheduled at least once a month. An applicant should not attend Component III until he/she has attended Component I, a face-to-face interview has been conducted and a pre-licensing visit has been done. The Licensing Program Analyst should schedule the applicant for a pre-licensing visit and a Component III session during the face-to-face interview.

The Licensing Program Analyst should allow approximately 4 to 6 hours for Component I category specific sessions, approximately 1 ½ to 3 hours for the face-to-face interviews and approximately 3 to 4 hours for Component III.

When individuals call to sign up for Component I, advise that they will be required to show photo I.D. at this component as well as Component II and III. Also advise the individual that their administrator/director (if not the applicant) is also required to attend all three sessions and must also bring a photo I.D.

Foster Family and Family Child Care Home categories are exempt from Components II and III. Component I sessions for these two categories should be self contained orientations which provide the applicant with both application and ongoing category specific requirements.

**3-0060 LICENSING PROGRAM ANALYST PROTOCOL DURING
THE ORIENTATION PROCESS****3-0060**

The applicant's first interaction and impression of the licensing agency will be with the Licensing Program Analyst who provides the Component I Orientation session. It is important for the Licensing Program Analyst to represent the Department in a professional and courteous manner. The Licensing Program Analyst should set a positive tone during the meeting and encourage participants to ask questions if they do not understand or need something repeated. A positive atmosphere is conducive to learning and during the session, the Licensing Program Analyst provides the participants with valuable information and instructions.

Throughout the orientation and application process, the role of the Licensing Program Analyst is to assist the applicant and ensure that the applicant understands the entire process.

3-0100 COMPONENT I ORIENTATION SESSION**3-0100**

THE FOLLOWING OUTLINED AND LIST OF HANDOUTS ARE TO BE USED BY ALL REGIONAL OFFICES. THERE SHOULD BE NO DEVIATION FROM THIS STANDARDIZED FORMAT OR HANDOUTS.

When possible, guest speakers from placement, advocacy groups or other agencies will be scheduled to discuss their role and relationship with the licensing agency. For group home orientations, a representative from the Foster Care Rates Bureau should be scheduled as a guest speaker.

In addition, at all child care and children's residential orientations, distribute brochures on the Shaken Baby Syndrome, PUB 271 (11/95). This is to be done in compliance with Assembly Bill 3760 (Speier), Chapter 1176, Statutes of 1994. An initial supply of the brochures was sent to the Statewide Program Offices and the Regional Offices in February 1996. Please reorder through the Department's warehouse using the GEN 727A form. Continue to distribute the brochures for as long as they are made available to the Department; the Department is not required to either purchase or reproduce the brochures. (The brochures must also be distributed at the time of a site visit; please see Evaluator Manual Section 3-1500.)

3-0110 I OPENING THE SESSION**3-0110**

- A. Have each attendee sign in on the Orientation Meeting Tally (LIC 186) prior to starting the session. This attendance sheet is for use by the licensing agency only. Copies of this list should not be released to outside agencies.

3-0110 I OPENING THE SESSION (Continued)**3-0110**

- B. Introduce yourself, identify the Regional Offices, address and telephone number.
- C. Take care of “housekeeping” items – (i.e., time frame, break time, location of restrooms, etc.).
- D. Advise the group that the orientation meeting is designed to acquaint them with laws and regulations governing facilities licensed by the Community Care Licensing Division and provide them with information that will result in a complete application being submitted to the Licensing Agency.
- E. Request that the group ask general licensing questions as issues come up, but to refrain from asking case specific questions due to time constraints. Explain that those who submit an application will be assigned to an Evaluator who will assist them with processing the application.
- F. Advise the group that once their application has been accepted, a credit report on all applicants is obtained to test the accuracy of the financial statements submitted. The Department has the responsibility to ensure the applicant has an adequate financial plan. In fulfilling our responsibility, the Department obtains credit reports on all applicants. Common to four separate licensing acts that the Community Care Licensing Division enforces is the requirement that an applicant provide evidence satisfactory to the Department that they have sufficient financial resources to maintain the standards of service required in regulation. By completing the financial statements accurately will help to speed their application through the process. Conversely, a financial statement which attempts to conceal financial problems would receive greater scrutiny by the licensing evaluator.
 - The poster “What a Credit Report Does and Does Not Say About You” should be on display.
- G. Advise the group of the other components of the orientation/application process. Go into detail regarding the specific requirements of each component and emphasize that this is a screening process and only qualified individuals will be approved for licensure.
- H. Advise that a Certificate of Completion Form (LIC 281C) will be handed out at the end of this session and is to be brought back to Component II and III for valid signatures and verification of completing the application process.
- I. Advise that regulations handed out at these sessions are to be brought back to Component III for review purposes.

3-0120 II GENERAL INFORMATION**3-0120****A. Historical Development (Residential Only)**

1. Prior to California becoming a State, there is evidence that organized society recognized an obligation to protect or assist dependent members of the population who were incapable of caring for themselves.
2. The earliest attempts to provide and regulate care concerned the most vulnerable members of the populations, first the children, then the dependent aged.
3. The present Community Care Licensing Divisions responsibility for licensing community care facilities is an outgrowth of these long standing social concerns.
4. Community care was originally envisioned as a normalizing and least restrictive environment for persons needing basic care and supervision, which would assist them in the performance of the activities of daily living.
5. The children and adults placed in such a setting were envisioned as requiring little more than a healthful, safe and supportive environment.
6. Today, the nature of community care has changed significantly and now includes care for persons whose needs require the management of severe behavior adjustment problems, serious mental disorders, and significant medical needs.
7. In order to give emphasis to the different populations serviced, the Community Care Licensing Division program is now governed by four separate licensing acts which will be discussed in more detail during this presentation.

B. Role and Responsibility of the Community Care Licensing Division.

1. The Community Care Licensing Division is a regulatory program whose mission is to protect the health and safety of children and adults who reside or spend a portion of their time in out-of-home care. This is accomplished through the development and enforcement of regulations.

3-0120 II GENERAL INFORMATION (Continued)**3-0120**

2. The Community Care Licensing Division program consists of three distinct functions:
 - a. Prevention
 - b. Compliance
 - c. Enforcement
3. **Prevention** – The reduction of predictable harm by screening out unqualified applicants and by providing applicants and licensed providers with information regarding the laws and regulations concerning the operation of community care facilities. Examples are:
 - a. The three component orientation and application process has been designed to screen out unqualified applicants and to assist qualified applicants in the successful completion of the licensing process.
 - b. Fingerprinting and obtaining criminal records of applicants and other individuals to provide some assurance that their contact with clients will not pose a risk to the health and safety of the clients.
 - c. Obtaining a fire clearance prior to licensure to ensure the facilities meet all necessary fire safety requirements.
 - d. Obtaining health screening reports from physicians to verify that the applicant and facility personnel are in good health and physically, mentally and occupationally capable of performing assigned tasks.
 - e. Obtaining financial information to determine if the facility has a adequate financial plan and sufficient funds to meet ongoing operating costs. For residential care facilities for the elderly, adult residential facilities, group homes and residential care facilities for the chronically ill, this includes obtaining a credit report on all applicants to ensure they have the financial capability and are of responsible character.
 - f. Conducting pre-licensing visits to ensure that the facility is in compliance with the Community Care Licensing Division laws and regulations and ready to begin operation.
 - g. The application serves as contact or promise by the applicant that they understand and will operate their facility in compliance with licensing regulations found in the Health and Safety Code.

3-0120 II GENERAL INFORMATION (Continued)**3-0120**

- h. It is important to remember that by agreeing to comply with regulations, the applicant is given permission to do something **OTHERWISE PROHIBITED BY LAW** – they are given permission (issued a license) to operate an out-of-home care facility.
- 4. **Compliance** – The process which ensures that the Community Care Licensing Division facilities are operated according to applicable laws and regulations. Compliance is maintained through facility inspection, issuing deficiency notices, and providing consultation regarding the correction of deficiencies.
 - a. Once the application process is complete and a license is issued, the licensee may operate the facility as long as the facility is operated in compliance with regulations as promised when the licensee signed the application.
 - b. The Community Care Licensing Division is allowed to visually inspect the operation to ensure the operation is in compliance. This visual inspection, which is completed by a Licensing Program Analyst, is conducted on an unannounced basis.
 - c. If the facility is out of compliance, the deficiency is noted and the operator or facility administrator and the Licensing Program Analyst agree on a plan of correction to correct the deficiency(ies).
 - d. During the compliance phase of the process, the Licensing Program Analyst is often involved in consultation to assist the operator in understanding how he/she can come into compliance and remain in compliance with regulations.
 - e. The critical part of the compliance phase is to provide enough information assistance to the licensee to enhance his/her ability to stay in compliance. If not, the clients safety is jeopardized.

3-0120 II GENERAL INFORMATION (Continued)

3-0120

5. **Enforcement** – A range of corrective actions (from civil penalties to facility closure) taken when a provider fails to protect the health and safety of people in care or is unwilling or unable to maintain compliance with licensing laws and regulations.
 - a. This enforcement takes many forms, based on the severity of the violation.
 - b. As a general statement, anytime a person is sexually or physically abused by a licensee or there is insufficient supervision leading to clients endangerment, the enforcement action will be closure of the facility.
 - c. Other violations, unless chronic, will usually result in corrective action ranging in severity from plans of correction and civil penalty fines, to informal conferences.
 - d. If still not corrected, revocation of the license is still a possibility.
 - e. Enforcement is only utilized when a licensee “fails to live up to” the promise he/she made when he/she signed the application – the promise to comply with regulations and the Health and Safety Code.

C. Governing Laws/Inspection Authority

1. The Community Care Licensing Division program is governed by four separate licensing acts.
 - a. **The California Community Care Facilities Act:** Licensing laws enacted in 1974 for residential facilities serving children and adults.
 - b. **The California Residential Care Facilities for the Chronically III Act:** Licensing laws enacted in 1992 which focus on the needs of residents with HIV.
 - c. **The California Child Care Act:** Licensing laws enacted in 1984 for child care centers and family child care homes serving children.
 - d. **The California Residential Care Facilities for the Elderly Act:** Licensing laws enacted in 1985 for residential facilities serving persons 60 years of age and over.

3-0120 II GENERAL INFORMATION (Continued)**3-0120**

2. Explain the Difference Between Statute and Regulations
 - a. The licensing agency can adopt regulations.
 - b. The Health and Safety Code can only be amended by Legislation.
 3. Explanation of Inspection Authority
 - a. Unannounced visits.
 - b. Right to interview staff and clients in private.
 - c. Right to inspect all facility records and remove records to copy if necessary with either the licensee's permission or with a subpoena.
 - d. Right to inspect entire facility, not just a few rooms, including staff rooms.
- D. Operations Requiring Licensure
1. Provides care or supervision.
 2. Accepts or retains residents who need care or supervision.
 3. Advertises or represents itself as a licensed facility.
- E. Penalties for Unlicensed Operations
1. Issue a "Notice of Operation in Violation of Law".
 2. Authority to issue a Civil penalty of \$200 per day.
 3. Misdemeanor which may be referred to the District Attorney for prosecution.
 - a. Punishment may be up to \$1000 per violation or imprisonment in County jail for a period not to exceed 180 days, or both.
 4. Can also prosecute under Business and Professional Code; fines can run into thousands of dollars.

3-0120 II GENERAL INFORMATION (Continued)**3-0120****F. Important Facts about a License**

1. Licenses are not transferable. If a person sells a facility to another individual, partnership or corporation, the new owner must apply for and obtain a new license before beginning operation.
2. A license is not granted automatically; all licensing requirements must be met prior to issuance of a license.
3. Prior to the issuance of a license, it is mandatory for all applicants and their designated administrators or directors to attend all three components of the orientation process.
4. All licensed facilities must reveal the license number in any advertisement, publication or announcement with the intent to attract clients or residents.

G. Definition of Facility Types

1. Child Care for Children (less than 24 hour care).
 - a. A child care center is normally operated outside the licensee's home and provides non-medical care and supervision to infants, toddlers, preschoolers and/or school-age children for periods of less than 24 hours. These centers are usually in commercial buildings.
 - b. A family child care home is operated in the licensee's own home and provides non-medical care and supervision for 12 or fewer children in a home-like environment for periods of less than 24 hours.
2. Day Care for Adults/Elderly (Less than 24 hour care)
 - a. Adult Day Care facilities care for the elderly, developmentally disabled adults, or mentally disordered adults, for less than 24 hours.
 - b. Adult Support Center facilities care for the elderly, developmentally disabled or mentally disordered adults in a structured comprehensive program with a variety of social and related support services for less than 24 hours.

3-0120 II GENERAL INFORMATION (Continued)**3-0120**

3. Residential for Children (24 hour care)
 - a. Foster family homes care for children in the licensee's own home. Many of these children have been abused, neglected or abandoned. No more than six children may be cared for in a foster family home. These children may be temporarily placed in a foster family home awaiting adoption. Additionally, ventilator dependent and medically fragile children may also be placed in foster family homes.
 - b. Group homes care for children under 18 years old. These facilities maintain a structured environment and serve a specific client group. Frequently children in group homes are under Juvenile Court jurisdiction, either on probation due to infractions of the law or as dependent children removed from their homes because of abuse, neglect or abandonment.
 - c. Small family homes care for children who are mentally disordered, developmentally disabled, or physically handicapped or children with special health care needs in the licensee's own home. No more than six children may be cared for in a small family home.
4. Residential for Adults and Elderly (24 hour care)
 - a. Adult residential facilities care for developmentally disabled or mentally disordered adults ages 18 through 59 years. These adults must not need acute psychiatric or nursing care.
 - b. Residential care facilities for the chronically-ill care for people 18 years of age or older. These individuals may require varying levels and intensities of care and supervision including some care from appropriately skilled medical professionals due to a diagnosis of HIV (AIDS infections), on a 24 hour basis.
 - c. Residential care facilities for the elderly care for people 60 years of age or older. These individuals may require varying levels and intensities of care and supervision dependent upon their needs on a 24 hour basis.
 - d. Social rehabilitation facilities care for mentally disordered adults, ages 18 through 59, who require long-term intensive support, including a full-day treatment program, must be certified by the Department of Mental Health.
- H. Client Populations for Residential Facilities
 1. Adults of any age that are HIV Positive (with AIDS infections) who need assistance with basic activities and/or assistance meeting incidental medical care needs.

3-0120 II GENERAL INFORMATION (Continued)**3-0120**

2. Dependent Children may have been made wards of the Juvenile Court either because they are on probation due to an infraction of the law or have been removed from their homes because of abuse, neglect or abandonment. Some may have serious behavioral or emotional problems.
3. Developmentally Disabled are those individuals with a disability attributable to mental retardation, cerebral palsy, epilepsy or other neurological conditions. These individuals may need assistance and training with activities of daily living.
4. Elderly Persons are individuals 60 years of age or older. These individuals may need care in a licensed facility because they need supervision, assistance with basic activities and/or assistance meeting incidental medical care needs.
5. Mentally Disordered are those individuals who have received mental health services or have been given a psychiatric diagnosis. These individuals may need care and supervision, including assistance with activities of daily living.

I. Needs Assessment (Residential)

1. It is the applicant's responsibility to contact placement agencies for information on the types of clients intended to be served and client referrals for the facility type.
2. The licensing agency does not place clients, and a license is no guarantee that the placement agency will place clients in your facility.
3. Refer applicants to the following placement and advocacy agencies in order to conduct survey of need:
 - a. Local regional centers (group homes, adult residential facilities, residential care for the elderly, small family homes)
 - b. County welfare departments (group homes, small family homes, foster family homes)
 - c. Adult protective agencies (adult residential facilities, residential care facilities for the elderly, adult day care centers and adult day support centers,)
 - d. Mental health agencies (adult residential facilities, adult day care centers, adult day support centers, and social rehabilitation facilities.
 - e. Probation departments (group homes)

3-0120 II GENERAL INFORMATION (Continued)**3-0120**

- f. Local hospital's discharge planners (small family homes, adult residential facilities, and residential care facilities for the elderly)
- g. Local Long Term Care Ombudsman (adult residential facilities and residential care facilities for the elderly)

3-0130 III COMPLIANCE/MONITORING/ADMINISTRATIVE ISSUES**3-0130****A. Types of Licensing Visits**

- 1. Pre-licensing by appointment. (**Note:** No visit will be made prior to submission of a completed application or before Components II and III.)
- 2. Post licensing – unannounced (for residential care facilities for the elderly and community care facilities only, except foster family homes.)
- 3. Annual – unannounced
- 4. Complaint – unannounced
- 5. Plan of Correction – unannounced
- 6. Case Management - unannounced

B. Evaluation Process

- 1. Facility is evaluated to ensure facility is in substantial compliance with licensing laws and regulations.
- 2. If out of compliance, the facility is cited for violation of regulations.
- 3. Violations are cited to protect the clients in care.
- 4. There are three types of violations:
 - a. Immediate impact violations have a direct and immediate risk to the health, safety or personal rights of clients.
 - b. Potential impact violations are those that, without correction, could become a risk to the health and safety of the clients.
 - c. Technical violations are violations of the regulations that do not present an immediate or potential negative impact to the health and safety of clients.

3-0130 III COMPLIANCE/MONITORING/ADMINISTRATIVE ISSUES 3-0130
(Continued)**C. Licensing Reports**

1. An explanation of the deficiency will be cited along with the specific regulation section in violation.
2. The licensee or designated representative will be responsible for devising and implementing a plan of correction.
3. A time frame for correcting each deficiency will be established based on the type of impact of the violation.
4. The licensee is responsible for making all corrections and notifying the licensing agency of corrections.

D. Civil Penalties

1. If the first cited deficiency is not corrected within the specified time frame on the licensing report, a civil penalty of \$50 per day, per violation, up to \$150 per day maximum, will be assessed.
 - a. The penalty will continue until correction is made and the licensing agency is notified.
2. If there is a second cited violation, of the same subsection, of the title 22 regulations within 12 months of the first citation an immediate civil penalty of \$150, per violation, will be assessed that day. A daily penalty of \$50, per violation, begins the day after the immediate civil penalty assessment and continues until the deficiency is corrected. There is no daily maximum.
 - a. The penalty will continue until correction is made and the licensing agency is notified.
3. If there are subsequent cited violations, of the same subsection, of the title 22 regulations within 12 months of the previous citation the civil penalty assessed increases. For residential care facilities for the elderly and residential care facilities for the chronically ill there is an immediate civil penalty of \$1,000 that is assessed that day. A daily penalty of \$100 begins the day after the immediate civil penalty and continues until the deficiency is corrected. For community care facilities, including foster family agencies, the child care centers there is a \$150 immediate civil penalty, assessed that day, with a \$150 a day penalty beginning the day after the assessment of the first \$150 civil penalty and continuing until the deficiency is corrected.

3-0130 III COMPLIANCE/MONITORING/ADMINISTRATIVE ISSUES 3-0130
(Continued)

- a. These penalties will continue until correction is made and the licensing agency is notified.
 4. If there are cited violations that lead to death, injury, or sickness of a client there is an immediate civil penalty of \$150 assessed that day, per violation. A daily penalty, per violation, of \$150 is assessed beginning the day after the immediate civil penalty assessment and continues until the deficiency is corrected.
 - a. The penalty will continue until correction is made and the licensing agency is notified.
 5. If there are cited violations of the title 22 regulations for failure to obtain, or associate, required fingerprint clearances there is an immediate \$100 per person civil penalty.
 6. If civil penalties are not paid after receiving the bill, the licensing agency has other methods of collection, such as:
 - a. Offset Program – attaching the individual’s State personal income tax return.
 - b. Revocation of license based on unpaid civil penalties.
- E. Appeal Process
1. The licensee has the right to appeal any licensing action without retaliation from licensing staff.
 2. The licensee has the right to discuss any disagreement with the licensing reports of civil penalty assessments with the licensing agency.
 3. When civil penalties are involved, the licensee may request a formal review to amend, extend the due date or dismiss the penalty.
 4. Requests for civil penalty review shall be made in writing within ten days of receipt of the Penalty Notice.
 5. The licensee will be notified promptly in writing of the results of the agency review.

3-0130 III COMPLIANCE/MONITORING/ADMINISTRATIVE ISSUES 3-0130
(Continued)**F. Administration Action Process**

1. The goal of regulatory enforcement is to gain compliance and closing a facility is an action of last resort.
2. The policy of the Community Care Licensing Division is to ensure that licensees are afforded an opportunity to correct deficiencies prior to initiating an administrative action.
3. There are some situations that warrant the immediate closure of a facility and the removal of all clients which is referred to as a temporary suspension order. This is done when:
 - a. There is an imminent danger to the health, welfare or safety of clients.
 - b. There is no other way to protect the clients or remove the risk.

The closure is normally immediate and the hearing is held within 30 days of the closure.
4. There are other situations where the clients are not in imminent danger, but the facility is unwilling to operate the facility in compliance with the laws and regulations. In these instances, the Department would initiate a revocation action against the facility, and
 - a. A facility may continue operating prior to an administrative hearing, and
 - b. The clients are normally not removed.
5. With the exception of temporary suspension order situations and the revocation actions premised upon events which were so serious that no plan of correction can be reasonably established, the licensing agency will schedule a noncompliance review conference with the licensee to review the problem areas and impress upon the licensee the seriousness of the situation. The licensee will be advised that:
 - a. An administrative action will be pursued unless the deficiencies are corrected.

3-0140 IV APPLICATION PROCESS**3-0140****A. Steps to Obtaining a License**

1. Attend Component I – Orientation
2. Submit Complete Application
 - a. A & B Documents
 - b. Fee
3. Applicant receives Fingerprint Clearance Process and Livescan Information, Facility Number, and Child Abuse Index Check if applicable.
4. Fire Clearance is ordered by the Regional Office.
 - a. Pre-inspection option (LIC 9092)
 - b. Requirement to identify local fire department handout (LIC 9054).
5. Overconcentration notice is sent to the Zoning Department or the Planning Commission. (Refer to Section 3-0295).
6. Application Review
7. Component II – Face-to Face Interview
8. Pre-licensing visit
9. Criminal record clearance and fire clearance received
10. Component III – Category specific training

3-0140 IV APPLICATION PROCESS (Continued)**3-0140**

11. Application approved and license issued

12. Application denied

a. Cessation or review

b. Waiting period

B. Criminal Record Clearance

1. Do not give fingerprint cards at Component I.

2. Discuss new fingerprint processing procedures.

a. Caregiver Background Check Bureau will mail out Livescan Form or Fingerprint Submission Instructions and fingerprint cards and instructions after the application is accepted.

b. Assigned facility number must be on all cards or Livescan form.

c. After being printed, cards are to be sent directly to the Department of Justice. Livescan is sent electronically.

d. Stress use of Livescan.

e. Fingerprint processing fee including categories exempt from fees (all family child care homes, and children's residential facilities licensed for six or fewer).

3. Explain exemption process

a. Specific crimes cannot be exempt.

b. Exemption must be requested by applicant or licensee.

4. Child Abuse Index Check

a. Explain for applicable categories.

3-0140 IV APPLICATION PROCESS (Continued)**3-0140**

- b. Form and instructions sent with fingerprint submission instructions.
 - c. Processing fee of \$15.00 (no categories are exempt from fee).
 - C. Outside Clearances
 - 1. Applicant's responsibility.
 - 2. Important to inquire prior to or at the same time the application is submitted.
 - 3. Licensing does not have any jurisdiction or control over these clearances.
 - 4. Contact the Zoning Department or the Planning Commission.
 - a. May need a conditional use permit or a business license.
 - b. Check on building codes.
 - 5. Bacterial analysis required if not public water.
 - D. Licensing Fees
 - 1. Handout Licensing Fee Letter.
 - 2. Fees are paid a time of application and annually on anniversary date of the current license.
 - 3. Application fee is non-refundable.
 - E. Limits and Terms of License
 - 1. Non-transferable.
 - a. If the facility is sold, the license and residents are not part of sale.
 - b. New owner must apply for a new license and meet licensing qualifications and standards.
 - 2. Surrender/Forfeiture of a license.
 - 3. Capacity determination.

3-0140 IV APPLICATION PROCESS (Continued)**3-0140**

4. Ambulatory/Non-Ambulatory.
- F. Miscellaneous Requirements.
 1. If applicant is an individual or partnership (not a corporation) applying for a child care center, group home, adult residential facility or residential care facility for the elderly, there may be a credit check requirement.
 2. If applicant is a corporation, a letter will be sent to all board members regarding the application and their responsibility and liability.
 3. If applicant is a limited liability company, a letter will be sent to all managers and/or managing members.
 4. For residential care facilities for the elderly applicants, explain the 40-hour Certification Program.

For adult residential facilities explains the 35-hour Certification Program.

For group home applicants explain the 40-hour Certified Administrator Program.
 5. The Certification Programs are not part of the Section A and B application packets. However, the applicant and/or the administrator (depending on the category) must be enrolled or complete the program prior to licensure.
 6. Handout appropriate category specific vendor lists.

3-0150 V COMPONENT I. HANDOUTS**3-0150**

- A. General Regulations.
- B. Category Specific Regulations.
- C. PUB 199 or 200.
- D. LIC 9092 – Fire Pre-inspection Consultation Request.
- E. Category Specific Application Booklet.
- F. Licensing Fee Letters.
- G. LIC 9054 – Local Fire Department Information (if not included in application booklet).

3-0150 V COMPONENT I. HANDOUTS (Continued)**3-0150**

- H. LIC 281C – Certificate of Completion.
- I. LIC 9106 – Group Home Program Statement.

3-0160 VI APPLICATION BOOKLET**3-0160**

- A. Handout the appropriate application booklet.
 - 1. Using the guidelines, go through each page of the application booklet.
 - 2. Utilize and focus on all information listed in the guidelines.
 - 3. Explain to applicants that there are no forms for B documents, so they must use the guidelines to create their own.

NOTE TO THE LICENSING PROGRAM ANALYST: After completing the review of the application booklet, refer to Section 3-0280 for instructions on meeting closure.

3-0170 VII CHILD CARE CENTER**3-0170**

- A. Licensing Categories
 - 1. Infant Center – Birth to two years old.
 - 2. Preschool Center – Two years to four years nine months or first grade entry.
 - 3. School-Age Center – Four years nine months and older.
 - 4. Center for Mildly Ill Children – All age groups.
 - 5. Toddler Option –Can be part of the preschool license or the infant center license. Children 1 ½ and 2 ½ years old in groups of 12 with one teacher and one aide.
- B. Physical Plant
 - 1. Indoor play space
 - a. 35 square feet per child.
 - b. Does not include storage areas, kitchen, bathroom, and office.
 - c. Must be separate space for infants, preschoolers, and school-age children.

3-0170 VII CHILD CARE CENTER (Continued)**3-0170**

- d. Drinking water must be available.
2. Separate isolation area for a sick child.
3. Adequate storage space.
4. If food is prepared on site, there must be a preparation area with:
 - a. Sink, with hot and cold running water.
 - b. Refrigerator.
 - c. Food-storage space.
5. One toilet and one sink for every 15 children.
6. One handwashing sink for every 15 infants and sufficient potty chairs.
 - a. One potty chair for every five infants who are being toilet trained.
 - b. Sink must be within arm's reach of changing table.
7. Restrooms for school-age children must assure individual privacy.
 - a. Must not be used simultaneously by children of the opposite sex.
8. A separate staff/isolation bathroom is required for all programs.
9. Outdoor play space.
 - a. 75 square feet per child.
 - b. Outdoor areas must be fully enclosed by safe fencing at least 4 feet high.
 - c. Must be a separate space for infants, preschoolers, and school-age children.
 - d. Shady rest area must be available.
 - e. Swimming pools, hot tubs, spas, fish ponds, etc., must be made inaccessible through a pool cover or by surrounding the pool with a fence.

3-0170 VII CHILD CARE CENTER (Continued)**3-0170**

- f. Drinking water must be available.

C. Equipment

- 1. Baby walkers are not allowed.
- 2. Any outdoor climbing equipment or swings must have cushioning material underneath.
 - a. Woodchips, sand, peagravel and purchased rubber matting are acceptable.
- 3. Preschools must have napping cots or $\frac{3}{4}$ inch minimum mats for full-day programs.
 - a. Sheets and blankets must either be sent home or washed weekly at the facility.
- 4. Infant programs must have appropriate cribs for all non-walking children.
 - a. Older infants who can crawl out of a crib must be provided mats.
 - b. Crib space is physically separated from play space and not included in measurements.

D. Director

- 1. Full-time and on-site
 - a. 40 hours per week.
- 2. Cannot be licensed without.
- 3. Must have 15 semester units and experience.
- 4. Preschool Director:
 - a. Have participants open regulations to Section 101215.1 and discuss qualifications and duties.
- 5. Infant Center Director:
 - a. Have participants open regulations to Section 101415 and discuss qualifications and duties.

3-0170 VII CHILD CARE CENTER (Continued)**3-0170**

2. School Age Director:

- a. Have participants open regulations to Section 101515 and discuss qualifications and duties.

E. Teachers

1. Need 12 semester or equivalent quarter units of early childhood education.
2. Need six months' experience to be fully qualified.
3. Teachers can begin work with six semester or equivalent quarter units if they are registered to complete the remaining required six units at the rate of at least two units each semester or quarter.
4. Refer to Section 101216.1 for Preschool teachers.
5. Refer to Section 101416.2 for Infant teachers.
6. Refer to Section 101516.2 for School-age teachers.

F. Staffing Ratios

1. Preschool (Section 101216.3)
 - a. One teacher for every 12 children.
 - b. One teacher plus aide – 15 children.
2. Infant Center (Section 101416.5)
 - a. One teacher for every group of 12 or fraction thereof.
 - b. One aide for every four infants.
3. School-age (Section 101516.5)
 - a. One teacher for every 14 children.
 - b. One teacher plus aide – 28 children.

3-0170 VII CHILD CARE CENTER (Continued)**3-0170**

4. Mildly Ill (Section 101616.5)
 - a. One teacher and three aides – 12 infants.
 - b. One teacher and one aide – 12 preschool-age children.
 - c. One teacher and one aide – 16 school-age children.
 - d. Mixed groups – ratio for youngest child.
5. Toddler Option for preschool (Section 101216.4) and infant center (Section 101417).
 - a. One teacher for every six children.

3-0180 VIII COMMUNITY CARE FACILITY**3-0180**

- A. Responsibility for Care and Supervision
 1. 24-hour care and supervision to meet the clients needs.
 2. Provide all basic services as defined in regulations.
 3. Three balanced meals per day plus snacks.
 4. Assistance with daily living skills and medications.
 5. Transportation to medical and dental appointments.
 6. Laundry service.
 7. Planned activities.
 8. Safeguarding and handling of client money.

3-0180 VIII COMMUNITY CARE FACILITY (Continued)**3-0180****B. Physical Plant, Furniture and Equipment**

1. Clean, safe, sanitary and in good repair at all times.
2. Isolation room or area for ill clients.
3. Swimming pools must be inaccessible if clients are under six years old, physically handicapped or mentally disordered.
4. Lights or lamps in all rooms and areas for health and safety.
5. One toilet and one sink for every six people (clients and staff).
6. One bathtub or shower for every ten people (clients and staff).
 - a. For Social Rehabilitation, one for every six people.
3. Individual beds for each client with mattress and boxspring.
4. Chest of drawers or minimum of two drawers, night stand, lamp and chair for each client.
 - a. Night stand may be shared by 2 clients.
9. Linen, towels and wash cloths for each client.
10. Signal system for facilities licensed for 16 or more clients and all facilities having separate floors or separate buildings.
11. Room temperature.
 - a. 68 degrees Fahrenheit minimum.
 - b. 85 degrees Fahrenheit maximum.

C. Adult Residential Facilities

1. Administrator Qualifications.
 - a. Have group turn to Section 85064 and go over education and experience requirements.

3-0180 VIII COMMUNITY CARE FACILITY (Continued)**3-0180**

2. Personnel Requirements

- a. Turn to Section 85065 and discuss specific requirements.

D. Group Homes

1. Administrator Qualifications.

- a. Have group turn to Section 84064 and go over education, certification and experience requirements.

2. Personnel Requirements Section 84065.

- a. Facility Manager qualifications and experience.
- b. Monthly consultation from psychiatrist, clinical psychologist or clinical social worker if serving children diagnosed as mentally ill.
- c. Monthly consultation from qualified mental health retardation professional if serving children diagnosed as developmentally disabled.
- d. Have qualified social work staff.
- e. Have or designate one person to have primary responsibility for planned activities.
- f. Sufficient child care staff to meet the needs of children served.
- g. Facility must have a written plan for orientation, continuing education and on-the-job training and development for all child care staff.

E. Small Family Home

- 1. Must be in a licensee's own home.
- 2. Cannot be licensed for more than six children.
- 3. Only two infants allowed.
- 4. Review Evaluator Manual Reference Material Section 5-2200 (Health and Behavior, Special Health Care Needs) with group.

3-0180 VIII COMMUNITY CARE FACILITY (Continued)**3-0180****F. Adult Day Care**

1. Turn to Section 82064 to go over administrator education and experience requirements.
2. Must hire sufficient support and care staff.
3. Staff/client ratio.
 - a. One adult to 15 clients.
4. Physical Plant.
 - a. One toilet and sink for every 15 clients.

G. Adult Day Support Center

1. Turn to Section 82564 to discuss administrator education and experience requirements.
2. Must have sufficient number of direct care and support staff.
3. Staff/client ratio.
 - a. One adult to eight clients.
4. Physical Plant
 - a. One toilet and sink for every 15 clients.

H. Social Rehabilitation Facilities

1. Turn to Section 81064 to go over administrator qualifications and duties.
2. Turn to Section 81064.1 to discuss Program Director qualifications and duties.

3-0190 IX RESIDENTIAL CARE FACILITY FOR THE ELDERLY**3-0190****A. Responsible for Care and Supervision**

1. 24-hour care.
2. Provide personal assistance and to meet the residents needs.
3. Provide safe and healthful living accommodations and services.
4. Provide three nutritionally well-balanced meals and snacks daily.
5. Provide personal assistance with activities of daily living.
6. Regular observation of the residents physical and mental condition.
7. Arrangements to meet health needs, including arranging transportation.
8. Provide planned social and recreational activities.
9. Safeguarding and handling of client/resident monies.

B. Personal Accommodations and Services

1. Common rooms such as living, dining, den or other activity room for use by residents.
2. Not more than two residents shall sleep in a bedroom.
3. No bedroom shall be used as a passage to another room, bath or toilet.
4. A bed, with good springs and comfortable mattress for each resident.
5. Bedroom furniture which includes: chair, night stand, lamp or lights sufficient.
6. Clean linen and towels.
 - a. Use of common wash cloths and towels are prohibited.
7. Hygiene items of general use such as soap and toilet paper.
8. Basic laundry service.

3-0190 IX RESIDENTIAL CARE FACILITY FOR THE ELDERLY
(Continued)**3-0190****C. Physical Plant**

1. One toilet and washbasin for each six persons, which includes residents, family and personnel.
2. One bath tub or shower for each ten persons, which includes residents, family and personnel.
3. Grab bars for each toilet, bath tub or shower.
4. Non-skid mats or strips in all bath tubs or showers.
5. Facilities licensed for 16 or more and all facilities having separate floors or buildings shall have a signal system.
 - a. Must operate from each resident's living unit.
 - b. Must transmit a visual and/or auditory signal to a central staffed location.
 - c. Must identify the specific resident living unit.

D. Administrator

1. Must identify prior to licensure.
2. Have the group open regulations to Section 87564 to discuss the education and experience requirements.
3. Must complete 40-hour Certification Program (See F below)

E. Personnel Requirements – Section 87565

1. Sufficient in numbers and competent to provide services to meet residents needs.
2. In facilities licensed for 16 or more, sufficient support staff to ensure provision of personal assistance and care.
3. Additional staff to perform office work, cooking, house cleaning, laundering and maintenance of building, equipment and grounds.
4. Must be at least 18 years of age.

3-0190 IX RESIDENTIAL CARE FACILITY FOR THE ELDERLY 3-0190
(Continued)**F. Forty-hour Certification Program**

1. All applicants and administrators must complete program from an approved vendor prior to licensure.
2. If not completed, must be enrolled in a program.
3. Completion of program will not hold up licensure but a provisional license may need to be issued.
4. Hand out list of approved vendors.

3-0210 SECTION A GUIDELINES 3-0210

The following information is provided to assist in the preparation, completion and review of application documents. When completing or reviewing application forms, be sure to pay special attention to instructions and information provided on each form, refer to the guidelines below and thoroughly complete all required forms.

The guidelines were designed to be used in conjunction with the Residential Facility Application Booklet (LIC 281A). Therefore, when reviewing an application for a family child care home or a foster family home, these guidelines will not be applicable to these two facility categories.

3-0212 A1 LIC 200 – APPLICATION 3-0212

- Make sure the form is filled out completely.
- If a corporation is applying for the license, #1 “Applicant(s) Name” is the corporation name.
- If a corporation is applying for the license, all persons signing the application must be authorized to do so by Board Resolution.
- If a limited liability company is applying for a license the person(s) signing the application must be authorized to do so, either under the operating agreement for the limited liability company or by written delegation by a person with the authority to make such delegation.
- All applicants must sign the application, including each general partner.
- The application shall have original signatures (signatures cannot be photocopied).

3-0212 A1 LIC 200 – APPLICATION (Continued)**3-0212**

- Signatures need to match #1 Applicant(s) name, unless the applicant is a corporation (see above). Be aware that a credit report may only be obtained on an individual who has signed the application, excluding corporate officers. In the case of a corporation, a credit report is obtained on the corporation. If the applicant is a limited partnership, the evaluator will only request a credit report on the general partners. If the applicant is a limited liability company, the evaluator is only permitted to request a corporate credit report.
- If the application indicates that the applicant previously held a license for a facility, check to make sure that this is also reflected on the Applicant Information (LIC 215). Verify that no disciplinary action was or is being taken on any previously or currently licensed facility.

For additional application requirements pertaining to Group Homes, see Section 3-0279.

NOTE: For Partnerships and Corporations – see Section B.1. criteria for additional information.

3-0214 A2 LIC 215 – APPLICANT INFORMATION**3-0214**

- Make sure there is a form completed by each applicant. For limited liability companies, the “applicant” refers to a managing member or, if none, a manager.
- If the applicant previously held a license, held a beneficial ownership of 10 percent or more or was an administrator, a general partner, a corporate officer, a manager or a managing member of a limited liability company or a director of a licensed facility, research to determine if any disciplinary actions were or are being taken.
- Can be used, as necessary, to verify qualifications when an applicant also intends to be the Administrator/Director.
- This form must contain original signatures (signatures cannot be photocopied).

3-0216 A 3 LIC 308 – DESIGNATION OF ADMINISTRATIVE RESPONSIBILITY**3-0216**

- Make sure that the form contains the original signature of the Applicant/Licensee (signatures cannot be photocopied).
- Make sure an individual other than the licensee is designated as the administrator/director or other agent of the facility to act on behalf of the absent licensee.
- If the applicant is a corporation, the Board of Directors must authorize the delegation by proper resolution.
- If the applicant is a limited liability company, the form must be signed by a manager or managing member who has written authority under the company's operating agreement to sign or to take action on behalf of the limited liability company.

3-0218 A 4 LIC 309 – ADMINISTRATIVE ORGANIZATION**3-0218**

(To be filled out if the applicant is a Corporation, Limited Liability Company, Public Agency, Partnership or other Association.)

- Make sure this information matches that on the Application (LIC 200).

3-0220 A 5 LIC 400 – AFFIDAVIT REGARDING CLIENT CASH RESOURCES**3-0220**

- Make sure the form is completed and the appropriate box is checked.
- The following are examples of situations when a bond is needed:

The licensee/facility employee cashes a client's check at the bank and returns the money to the client. In this situation, the licensee/facility employee has handled the client's money.

The licensee/facility employee keeps client money in a safe place, including a bank/financial institution, and controls its distribution ("hands out the money"). This form must contain original signatures (signatures cannot be photocopied).

3-0220 A 5 LIC 400 – AFFIDAVIT REGARDING CLIENT CASH RESOURCES (Continued)

3-0220

- Make sure a bond is issued, if needed.
- Not required for child care centers or foster family agencies.

3-0222 A 6 LIC 402 – SURETY BOND

3-0222

- Make sure the bonding agency uses the language found on the LIC 402, if the form itself is not used. The State of California must be identified as the Principal (recipient) and there must be an effective date and an expiration date.
- Compare to the LIC 400 to ensure that the bond is in the amount indicated on the LIC 400.
- The document must contain original seals and signatures (cannot be photocopied).
- This is not required for child care centers or foster family agencies.

THE FOLLOWING FINANCIAL FORMS ARE NECESSARY IN ORDER TO CAPTURE THE OVERALL FINANCIAL STATUS OF THE APPLICANT AND TO DETERMINE IF THE APPLICANT HAS SUFFICIENT FINANCIAL RESOURCES TO OPERATE THE FACILITY (I.E., MEET EXPENSES). THESE FORMS WILL BE REVIEWED IN CONJUNCTION WITH ONE ANOTHER, AS WELL AS WITH A CREDIT REPORT, IF ONE HAS BEEN OBTAINED.

3-0223 A 7 LIC 401 – ESTIMATED OPERATING BUDGET

3-0223

- The applicant should use Form LIC 401, Monthly Operating Statement, to provide an estimated operating budget.
- Make sure the form contains both the name of the preparer and the original signature of the applicant(s) (signatures cannot be photocopied).
- Instructions are found on the reverse side of this form.
- Obtain a separate LIC 401 for each community care facility operated and any other business the applicant operates.
- Make sure the number of clients corresponds with the requested capacity.
- Other facility income must be clear and documented.
- All facility operating costs must be indicated and reasonable (i.e., salaries are shown as at least minimum wage).

3-0223 A 7 LIC 401 – ESTIMATED OPERATING BUDGET (Continued) 3-0223

- Approximately 25 percent of the salaries should normally be added for fringe benefits. If fringe benefits are not applicable, the application should so state and explain why.
- For facilities which are managed by a corporate headquarters or incur additional expenses to support a corporate or headquarters office, the cost of the corporate office must be prorated, among the facilities and a share of the expense must be shown on the LIC 401 for the new facility.
- Make sure the rent amount corresponds with the lease/rental agreement/mortgage payment.
- If the applicant is the licensee of another facility, a separate LIC 401 must also be submitted for each licensed facility. For facilities in operation, this information must reflect the actual operating budget, not an estimate. At the top of the LIC 402, the applicant is to indicate whether the information contained on the form is estimated or actual.
- For applicants with multiple facilities, a consolidated income statement of actual income and expenses must be submitted for the most recently completed tax year.
- Not required for small family homes, foster family homes and certified family homes.

3-0224 A 8.A LIC 401a – SUPPLEMENTAL FINANCIAL INFORMATION 3-0224

- Make sure the form contains both the name of the preparer and the original signature of the applicant(s) signatures cannot be photocopied.
- Instructions are found on the reverse side of the form.
- Part I is to reflect all other income and expenses excluding the facility. Part I is to only be completed by sole proprietors and each general partner.
- Part II is to be completed by all applicants.

3-0225 A 8b LIC 403 BALANCE SHEET 3-0225

- Make sure the form contains both the name of the preparer and the original signature of the applicant(s) (signatures cannot be photocopied).
- Instructions are found on the reverse side of form.

3-0225 A 8b LIC 403 BALANCE SHEET (Continued)**3-0225**

- The information provided is to reflect assets and liabilities concerning all activities of the owner(s), not just those related to the operation of the facility (i.e., credit card balances, income and expenses related to other businesses).
- Figures must be “Realistic.”
- If the applicant is the sole owner, real estate listed should indicate both the purchase price and the market value of property. If the applicant is a partnership or corporation, the cost of the real estate should be indicated not the appraised value.
- On site furnishings and equipment listed should indicate the market value.
- Only cash and cash equivalents should be considered for meeting the three month start-up funds requirement. Cash equivalents are those assets which are readily converted to cash in one week or less.
- Not required for small family homes, foster family homes and certified family homes.

3-0226 8.C LIC 403a - BALANCE SHEET SUPPLEMENTAL SCHEDULE 3-0226

- Make sure the form contains both the name of the preparer and the original signature of the applicant(s) (signatures cannot be photocopied).
- Instructions are found on the reverse side of form.
- This is a detailed balance sheet to be completed prior to completing the LIC 403.
- Cash in bank will be verified with the use of the LIC 404.
- Liabilities may be verified by obtaining a credit report on the applicant(s). Apply the Evaluation Criteria located in the Appendix Section, Tab C, of the Evaluator Manual.
- The information provided is to reflect assets and liabilities concerning all activities of the owner(s), not just those related to the operation of the facility (i.e., credit card balances, income and expenses related to other businesses).
- Figures must be “Realistic.”

3-0226 8.C LIC 403a - BALANCE SHEET SUPPLEMENTAL SCHEDULE 3-0226
(Continued)

- If the applicant is the sole owner, real estate listed should indicate both the purchase price and the market value of property. If the applicant is a partnership or corporation, the cost of the real estate should be indicated not the appraised value.
- On site furnishings and equipment listed should indicate the market value.
- Only cash and cash equivalents should be considered for meeting the three month start-up funds requirement. Cash equivalents are those assets which are readily converted to cash in one week or less.
- Not required for small family homes, foster family homes and certified family homes.

3-0228 A 9 LIC 404 FINANCIAL INFORMATION RELEASE AND 3-0228
VERIFICATION

(One form or set of forms is required for each bank account.)

- Make sure the form contains the original signature of the applicant(s) (signatures cannot be photocopied).
- The applicant must complete Section I and return a separate form to the licensing agency for each financial institution. This includes all financial institutions handling cash for the applicant and each institution authorizing a line of credit. The line of credit should reflect the credit limit and balance available. Only verified bank balances and lines of credit from financial institutions are acceptable sources to meet start-up funds requirements.
- The licensing agency is to send this form to the financial institution. The verification must be sent by the financial institution directly to the licensing agency. The licensee cannot hand carry it.
- The credit check process requires certain past debts be brought current. Refer to Appendix, Tab C, Evaluation Criteria. The source for payment of these debts must be reviewed with the applicant to determine that the start-up funds are still available.

3-0228 A 9 LIC 404 FINANCIAL INFORMATION RELEASE AND VERIFICATION (Continued)**3-0228**

- This information is used to verify approximately three months of operating budget (cross-reference to the estimated operating budget). The licensing agency will take into account situations such as the following:

The applicant is purchasing an already licensed and operational facility.

The portions of the start-up funds which have been spent on prepaid rent. (Start-up funds should not be consumed on renovation or repair work to facility).

Clients/children are enrolled and/or a waiting list has been established.

- A verifiable “line of credit” from a reputable financial institution is acceptable for start-up funds, if readily accessible. (i.e. Banks, savings and loans, and credit unions.) The Cash Advance Available from major credit cards is also a usable source for start up funds.
- Not required for small family homes, foster family homes and certified family homes.
- Must contain original signature(s) (signatures cannot be photocopied).

3-0230 A 9.A LIC 420 BUDGET INFORMATION**3-0230**

(To be completed by Small Family Home Applicants only).

- Must contain original signature(s) (signatures cannot be photocopied).

3-0232 A 10 LIC 500 PERSONNEL REPORT**3-0232**

(Separate form is required for each day care component.)

- All positions are to be shown on this form with days and hours on duty. Make sure there is the required staff coverage for all hours of operation.
- Director/Administrator and any teachers/staff hired at the time of application should be on the form. Other positions with staff not yet hired must be listed as “to be hired” and designated by position title.
- Estimate the cost of staffing the facility from this form and compare the estimate with the salaries and wages shown on the LIC 401.

3-0232 A 10 LIC 500 PERSONNEL REPORT (Continued)**3-0232**

- If the form does not show that the Director/Administrator is there full time, a qualified substitute must be designated (i.e., in a child care center if the Director is not opening and closing the facility, a qualified substitute must do so).
- Make sure anyone designated as exempt from fingerprinting requirements is appropriate pursuant to Health and Safety Code Sections 1522, 1569.17 and 1596.871 and that side B is signed by the licensee, or their designated representative, verifying they believe the indicated individuals are exempt from criminal record requirements pursuant to the statute.
- The applicant/licensee or designated representative (signatures cannot be photocopied). Make sure all persons required to be fingerprinted have submitted fingerprint cards (BID 7).
- This form is to be signed and submitted to the licensing agency only for Director/Administrator and Program Manager, if required. All others are to be kept on file for review at the facility.
- Verification of education and experience will be done against official school transcripts and/or references.

3-0234 A 11 LIC 501 PERSONNEL RECORD**3-0234**

- This form is to be signed and submitted to the licensing agency only for Director/Administrator and Program Manager, if required. All others are to be kept on file for review at the facility.

3-0236 A 12 LIC 503 HEALTH SCREENING REPORT**3-0236**

(This form is not required, under certain circumstances, of persons who are adherents of a well-recognized church relying solely upon prayer or spiritual means of healing. Facilities must, however, present satisfactory evidence to the licensing agency that individuals are free from any communicable disease. Such evidence shall be a written statement from a practitioner recognized by this religion for the purposes of healing.)

- One form or sets of forms, each, is required for the applicant and director.
- For limited liability companies one form, or set of forms, is required for the manager or managing member who completed the form LIC 215..

3-0236 A 12 LIC 503 HEALTH SCREENING REPORT (Continued)**3-0236**

- Health screening, at time of application, must be less than six months old for applicants for residential care facilities for the elderly and one year old for all other categories. (If the applicant has other licensed facilities, or the director has worked at another facility with the same licensee, and there is an exam on file, a new health exam is not required unless there are obvious health problems.)
- If the applicant is a corporation, there must be a health screening with the TB clearance for the Board President, Chief Executive Officer or person designated by the Board Resolution.
- The LIC 503 must be signed and dated by a qualified medical professional (signatures cannot be photocopied).
- The TB test portion of the form must be filled out, including result, or a separate test verification is needed.

3-0238 A 13 LIC 610 DISASTER REPORT**3-0238**

(Separate form is required for each component of a child care program.)

- The plan must show a relocation site away from the facility that is able to accommodate the number of clients/children in the facility.
- If the use of the relocation site requires an agreement from some other agency or person, make sure this is verified in writing.
- Not required for foster family agencies.

3-0239 A 14 LIC 999 FACILITY SKETCH**3-0239**

- Sketch must give dimensions of all rooms and designate their use.
- Rooms to be used by non-ambulatory clients/residents should be identified.
- A facility sketch is required for all indoor and outdoor space including driveways, fences, storage areas, gardens, recreation areas and other space used by clients/residents.
- For child care centers, submit separate sketches for indoor and outdoor space for each component and one sketch showing the entire facility and the relationship between indoor and outdoor spaces of all components, as well as any other use of the building.

3-0239 A 14 LIC 999 FACILITY SKETCH (Continued)**3-0239**

- Sketch of outdoor space/playground must show dimensions and location of major equipment and swimming pools.

3-0240 FINGERPRINTS**3-0240**

- Prior to licensure a fingerprint clearance must be received on the applicant(s), administrator/director and all adults (except clients) living in the facility.
- Fingerprint cards are no longer part of the application packet that is submitted to the Regional Office.
- Applicants will receive instructions by mail on how to submit fingerprints.
- If an individual has a criminal record through another Community Care Licensing Division licensed facility and the individual has an “active” status on the LIS, the applicant or licensee may request that the clearance be transferred.

3-0242 CHILD ABUSE CENTRAL INDEX CHECK (LIC 198)
(Applies to all facilities serving children.)**3-0242**

- Prior to licensure, a Child Abuse Central Index (LIC 198) clearance must be received on the applicant(s), administrator/director and all adults (except clients) living in the facility.
- LIC 198s are no longer part of the application packet that is submitted to the Regional Office.
- Applicants will receive instructions by mail on how to submit a request for a Child Abuse Central Index check.
- If an individual has a Central Abuse Index clearance that was submitted after January 1, 1999, and the individual has an “Active” status on the LIS, the applicant or licensee may request that the clearance be transferred.

3-0250 SECTION B GUIDELINES**3-0250**

The following guidelines are used when reviewing application documents for Section B. The guidelines were designed to be used in conjunction with the Residential Facility Application Booklet (LIC 281) and the Child Care Center Application Booklet (LIC 281A). Therefore, when reviewing an application for a family child care home or a foster family home, these guidelines will not be applicable to these two facility categories.

3-0250 SECTION B GUIDELINES (Continued)**3-0250**

Within the sections below you will find some items that are less detailed than others. This is because the criteria under each California Code of Regulations section identified below is either self-explanatory when read or is quite specific and/or lengthy. Therefore, when developing and reviewing each Section B document it is necessary to refer to the California Code of Regulations (Regulation) Section(s) listed in order to fully understand the regulatory requirement.

It should also be kept in mind that the application document review is one portion of the application decision-making process. Findings from the pre-licensing visit may prohibit approval of the application because of physical plant or other deficiencies which are not specific elements of the application document package.

For additional application requirements pertaining to group homes refer to Section 3-0279.

3-0252 B 1 PARTNERSHIP AGREEMENT/ARTICLES OF INCORPORATION**3-0252**

Information contained in a partnership agreement or articles of incorporation gives the Department information concerning who is ultimately responsible for what functions in the facility. This information is especially necessary when there are unresolved problems needing attention. The Department must know who to contact regarding the operation of the facility.

Partnership Agreement

[California Code of Regulations: Sections 101169/80018/87218]

A written agreement is not necessary, for licensing purposes, when the partners are husband and wife. However, two individuals not related by marriage are required to provide a partnership agreement.

All general partners need to be on the license and sign the application. [California Code of Regulations: Sections 101169(d)(1)/80018(d)(1)/87218(a)(3)]

Name & residence & business address of each general partner is needed.

[California Code of Regulations:

Sections 101169(c)(2)(A)/80018(c)(2)(A)/87218(a)(3)]

A description of the obligations and duties of each general partner and whether or not each can act on behalf of the others(s). (This is necessary in order for the Department to know who is in charge and responsible for what.) It should be noted that in a partnership ultimately each general partner is responsible and liable for the obligations of the license.

3-0252 B 1 PARTNERSHIP AGREEMENT/ARTICLES OF INCORPORATION (Continued)**3-0252**

[Health & Safety Code Sections 1522, 1596.871, 1569.17]

Articles of Incorporation

The articles of Incorporation are used to prove that the applicant is in fact a legitimate corporation and approved to do business as such in the State of California. The articles should include a state seal from the state in which they are incorporated. This indicates that it is a valid corporation. Out-of-state/foreign corporations must register with the California Secretary of State's Office to become authorized to operate in California. Out of state applicants must provide a Certificate of Qualification that is stamped by the California Secretary of State. (In these cases, all of the information required below is still needed.) Pursuant to regulations, the following information must be provided as a part of, or in support of, the Articles of Incorporation.

Constitution and by laws (day-to-day operation). This is reviewed only to ensure that no licensing regulations are violated.

[California Code of Regulations Sections:
101169(c)(2)(D)/80018(c)(2)(D)/87218(a)(4)]

Board Resolution (to determine who are the agents acting on behalf of the corporation).

Authorization to apply for a license and the person authorized and delegated by Board Resolution to sign and act on behalf of the corporation should be included in the board resolution. (This may be the Chief Executive Officer, Board President, Board Member or an individual from the Corporate Executive Office.)

[Health and Safety Code Sections 1522, 1596.871, 1569.17]

Board Officers' names, titles, business and home addresses and phone numbers.

[California Code of Regulations Sections:
101169(c)(2)(B)/80018(c)(2)(B)/87218(a)(4)]

Name and address of 10 percent shareholders.

[California Code of Regulations Sections:
101169(c)(2)(c)/80018(C)(2)(c)/87218(A)(4)]

3-0252 B 1 (a) ARTICLES OF ORGANIZATION FOR LIMITED LIABILITY COMPANIES**3-0252**

The Articles of Organization, stamped by the Secretary of State, establish that a limited liability company applicant is validly formed and qualified to do business in the State of California. If the Articles of Organization were filed in another state, the limited liability company is a “foreign limited liability company” and must also submit a Secretary of State Form LLC-5 (Limited Liability Company Application for Registration), stamped by the California Secretary of State, to demonstrate that the foreign limited liability company has registered in California and is qualified to do business in this state. Similar to the information required for corporate applicants, a limited liability company applicant must provide the following information:

Operating Agreement. All limited liability companies must have an operating agreement. Generally, operating agreements specify who will manage the business, who the owners are, how decisions will be made, and much more. For licensing’s purposes, an operating agreement need only identify the names of the members (and any managers) and state the name of the organization. Also, the operating agreement must be signed by each member and manager.

The names, titles, business addresses, and phone numbers of all managing members, managers, and non-managing members holding a 10 percent or more interest in the limited liability company.

NOTE: Generally, no resolution or other authorization from the limited liability company is necessary to identify who has authority to act on behalf of the applicant. The operating agreement should specify who has such authority and typically managers and managing members may act for the limited liability company. If the application is signed by an individual who is not identified in the operating agreement as a manager or a managing member (or the individual does not have the authority in the operating agreement to act on behalf of the limited liability company), **then a proper written delegation of authority, consistent with the terms of the operating agreement, is necessary.**

**3-0254 B 2 VERIFICATION OF ADMINISTRATOR/
DIRECTOR QUALIFICATIONS****3-0254**

Administrator/director qualifications and duties are found in licensing regulations. When applicable, these requirements must be verified by the following means by the applicant/licensee are provided to the licensing agency as part of Section B:

CHILD CARE [California Code of Regulations Sections: 101315/101415/101515]

Education:

Transcripts from an accredited school (Courses can be compared to the Early Child Hood Education matrix for verification of acceptance) or a copy of the Children's Center Supervisory Permit.

[California Code of Regulations Sections: 101315(h)&(j)]

Out-of country school – In order to determine that the appropriate classes and numbers of units have been completed, the applicant/licensee should obtain a copy of the class description(s) or college catalog describing the class or obtain verification from a local college regarding class equivalency. All State Universities have an International Programs Office which may be contacted to determine the status of foreign colleges and universities. The American Montessori Society is another source regarding certificates of completion issued by Montessori institutions.

Experience:

Written references are to be obtained by the applicant/licensee and submitted to the licensing agency. References are to include the following information required by regulation:

Each year of experience shall be verified as having been performed satisfactorily, at least three hours per day for a minimum of 100 days in a calendar year, as a teacher under the supervision of a person who would qualify as a director under these regulations.

COMMUNITY CARE FACILITIES/RESIDENTIAL CARE FACILITIES FOR THE ELDERLY [California Code of Regulations Sections: 80064/84064/85064/87564]

Education:

Transcripts from an accredited school, when required.

[California Code of Regulations Sections:
84064(e)/85064(h)/87564(b)&(c)]

**3-0254 B 2 VERIFICATION OF ADMINISTRATOR/
DIRECTOR QUALIFICATIONS (Continued)****3-0254**

Out-of-country school – In order to determine that the appropriate classes and numbers of units have been completed the applicant/licensee should obtain a copy of the class description(s) or college catalog describing the class or obtain verification from a local college regarding class equivalency.

For residential care facilities for the elderly: Department issued certificate verifying completion of the initial 40-hour Residential Care Facility for the Elderly Certification Program, provided by an approved vendor.

For adult residential facilities: Department issued certificate verifying completion of the initial 35-hours Adult Residential Facility Certification Program, provided by an approved vendor.

For group homes: Department issued certificate verifying completion of the initial 40-hour Group Home Certification Training Program, provided by an approved vendor.

Experience:

If required, written references are to be obtained by the applicant/licensee and submitted to the licensing agency. References are used solely to determine that the experience requirement is met (i.e., the person worked there, in the particular capacity, the specific duties performed, for a specified period of time). If it is not possible to obtain a written reference (i.e., the person is out of business and there is no means of contact), the applicant/licensee may submit a declaration signed by the Administrator stating why written references are not able to be obtained, that he/she worked in a particular capacity at a particular place/facility, the specific duties performed, and for a specified period of time. Verification of experience for an applicant applying for a one to six bed adult residential care facility for the elderly is not necessary.

3-0256 B 3 VERIFICATION OF SOCIAL WORK STAFF**3-0256**

Education, when required:

Transcripts from an accredited school.

[California Code of Regulations: Sections 84001(a)(8)/84065.1(c)/84068.2]

Experience, when required:

References are used solely to determine that the experience requirement is met (i.e., the person worked there, in the particular capacity, the specific duties performed, for a specified period of time).

3-0258 B 4 JOB DESCRIPTIONS**3-0258**

As part of the operation of the facility, the applicant must establish staff positions that will be responsible for specific tasks or duties. The applicant must provide the licensing agency with a job description for each of these classifications. The description needs to be clear, concise and relevant to the position for which the person is being hired. Additionally, job descriptions will be compared to the Personnel Report (LIC 500) and there must be a job description for each classification listed on the LIC 500.

The following areas must be addressed in each job description:

Duties and responsibilities.

[California Code of Regulations Sections:
101217(a)(8)/80066(a)(8)/85766(a)(8)]

Minimum qualifications that correspond to licensing requirements. (This is to include any special licenses or certificates, if they are required by the profession.)

Special skills needed to perform the job.

California Code of Regulations: Sections 85065(f)/87565(g)]

Lines of supervision (This is to include supervision given and to whom, as well as, supervision received and from whom).

California Code of Regulations Sections:
101173(b)(5)/80022(b)(5)/85064(i)(2)/87218(a)(10)/87222(b)(5)]

3-0260 B 5 PERSONNEL POLICIES**3-0260**

Personnel Policies are to describe those regulatory requirements commonly associated with personnel practices/policies such as staff coverage, staff qualification, work schedules and conditions of employment.

The following areas are to be included in this section.

Work hours/shifts for documentation of positions to provide coverage with competent staff.

[California Code of Regulations Sections:
101216(a)&(j)/101217(e)/80065(a)&(k)/80066(e)/87565(a)/87566(d)]

Employee rights. (A statement that employees are to be informed of their rights will suffice.)

[California Code of Regulations Sections: 101216(m)]

3-0260 B 5 PERSONNEL POLICIES (Continued)**3-0260**

Abuse reporting procedures. Documentation must indicate that employees will be informed of their responsibilities to report to the licensing agency as well as to the child/adult protective agency.

[California Code of Regulations Sections:

101212(b)(1)(D)/80061(b)(1)(D)/87561(a)(1)(C) & Penal Code]

Hiring practices; including screening of employees for necessary education and experience and informing employees that conditions of their employment include fingerprint clearance, statement of prior criminal convictions, TB clearance, physical examination/health questionnaire, child abuse index check. (This is to ensure that conditions for initial and continued employment.)

[California Code of Regulations Sections:

101170/101216(i)/80019/87565(f)/101216(g)/80065(g)/87565(e)]

Other federal and State agencies have requirements that businesses must adhere to in relation to personnel practices, such as, minimum wages, Workmen's Compensation and Fair Employment Practices. These agencies monitor the business's compliance with their regulations. Community Care Licensing does not enforce other agencies' regulations. It is important, however, that applicants contact these agencies in order to determine that established practices are not in conflict with laws or regulations.

NOTE: The LIC 200 includes the following stipulations, amongst others:

1. APPLICANT(S)/LICENSEE(S) RESPONSIBILITIES:

- A. In addition to complying with the Health and Safety Codes and Regulations Applicable to Licensing and Fire Safety, I/we understand that there may be other state, federal and/or local laws, which are not enforced by this agency, that may need to be met such as: zoning, building, sanitation and labor requirements.
- B. I/we declare under penalty or perjury that the statements on this application and on the accompanying attachments are correct to the best of my/our knowledge.

3-0262 B 6 IN SERVICE TRAINING FOR STAFF**3-0262**

As part of the plan of operation of the facility, the applicant must establish a plan for in-service training for staff and submit the plan to the licensing agency at the time of application [California Code of Regulations Sections: 80022/87222 & 101173].

The plan must address the following:

Which staff will receive training (new staff versus on-going staff), how it is determined which staff will receive training, and who will do the training.

[California Code of Regulations Sections: 101216(f)/80065(f)/87565]

Topics to be covered in the training. (This is to be reviewed in order to ensure that the topics covered are pertinent to the facility/client type and the duties performed.)

[California Code of Regulations Sections: 80022(b)(6)/84065(h)/85065(f)]

3-0264 B 7 FACILITY PROGRAM DESCRIPTION**3-0264**

The Program Description should be a general overview of the program philosophies, goals, basic and optional services and activities to be provided by the applicant. This can be explained as what the public would want to know about the facility and could be used as an advertisement for the facility.

A pamphlet or brochure advertising the facility is also acceptable providing all of the following elements are included:

CHILD CARE PROGRAM DESCRIPTION

Brief statement of the purpose, goals and program methods. (Information on specific philosophies, if any, such as Montessori methods or religious teachings that will be part of the program.)

[California Code of Regulations Section: 101173(b)(1)]

Schedule of daily activities to include:

- Days and hours of operation.
[California Code of Regulations Section: 101169(c)(7)]
- Times that meals and snacks are served.
[California Code of Regulations Sections: 101327(b)/101330(a)(3)]
- Nap time (if required).
[California Code of Regulations Sections: 101330(a)(2) & (b)]

3-0264 B 7 FACILITY PROGRAM DESCRIPTION (Continued)**3-0264**

- Times of specific activities.
[California Code of Regulations Section: 101330(a)]

The Program Description should also contain information outlined in the “Admission Policies” section of the regulations:

- Designation of children whose needs can be met by the Center’s program.
[California Code of Regulations Sections: 101319(b)(1) & (c)]
- Ages of children accepted.
[California Code of Regulations Section: 101319(b)(2)]
- Supplementary services, if any.
[California Code of Regulations Section: 101319(b)(4)]
- Field trip provisions, if any.
[California Code of Regulations Section: 101319(b)(5)]
- Transportation arrangements, if any.
[California Code of Regulations Section: 101319(b)(6)]
- Food service provisions (description must clearly indicate who will provide optional food services for each meal and whether food will be prepared in the facility or brought in from an outside source).
[California Code of Regulations Section: 101319(b)(7)]

Indicate whether medications will be administered to children. A separate plan for medications must be developed if the licensee elects to handle medications (over-the-counter or prescription).

[California Code of Regulations Sections: 101221(b)(9)/101326(e)]

Information regarding consultant and community resources to be utilized as part of the program. (This must be particularly detailed for programs serving children with special needs.)

[California Code of Regulations Section: 101173(b)(12)]

Services to be provided if a child has a medical or dental emergency.

[California Code of Regulations Sections: 101221(b)(9)/101326(a), (b) & (c)]

Sign-in and sign-out procedures – the licensee must have a written procedure for transfer of responsibility between the center and the parent guardian.

[California Code of Regulations Section: 101329.1]

3-0264 B 7 FACILITY PROGRAM DESCRIPTION (Continued)**3-0264****COMMUNITY CARE FACILITIES/RESIDENTIAL CARE FACILITIES FOR THE ELDERLY PROGRAM DESCRIPTION**

The program description should be a general overview of the program philosophies, goals, basic and optional services and activities in the facility. A pamphlet or brochure advertising the facility is also acceptable providing all of the following elements are included:

Brief statement of the purpose, goals and program methods (program philosophy).
[California Code of Regulations Sections: 80022(b)(1)/87222(a)(1)]

****Days and hours of operation.**
[California Code of Regulations Section: 80018(c)(8)]

Plan of activities to be provided in the facility. This must include who is involved and who conducts these activities.
[California Code of Regulations Sections: 84079/85079/87579]

Schedule of planned activities to include social, educational and recreational activities.
[California Code of Regulations Sections: 84079/75079/87579(a)(1)-(6)]

****Description of the basic services provided in the facility.**
[California Code of Regulations Sections: 80068(b)(1)/87568(b)(1)]

****Description of the optional services provided in the facility.**
[California Code of Regulations Sections: 80068(b)(2)/87568(b)]

Description of how the facility is going to handle medical emergencies if a client becomes ill or is injured.
[California Code of Regulations Sections: 80075(f)/87575(b)]

Procedure for handling and assisting clients/residents with self-administered medications.
[California Code of Regulations Sections: 80075(h)-(i)/87575(c)]

Transportation arrangements.
[California Code of Regulations Sections: 80022(B)(13)/87579(C)]

3-0264 B 7 FACILITY PROGRAM DESCRIPTION (Continued)**3-0264**

Any facility, in which the owner does not reside, that provides care for six or fewer residents, shall provide a procedure (approved by the licensing agency) for immediate response to incidents and complaints.

Health & Safety Code Sections 1524.5 & 1569.175]

(Information requested in areas designated by ** may also appear in Evaluator Manual Section 3-0268: B 9 – Admission Policies or on the Application for License (LIC 200)).

3-0266 B 8 DISCIPLINE POLICIES**3-0266**

The applicant shall describe the type(s) of discipline that will be used and under what conditions each type will be used. The discipline policies shall also address the following, when appropriate:

Types of discipline not permitted

[California Code of Regulations Sections: 80072(a)(7)-(8)]

NO CORPORAL PUNISHMENT/VIOLATION OF PERSONAL RIGHTS

[[California Code of Regulations Sections: 80072(a)(7)-(8)]:

101223(a)(3)/80072(a)(3)/84072/84072.1/87072(a)(3)]

Provisions for contact with parents/placement representatives (conferences).

Grounds for dismissal/eviction/relocation/removal from placement

[California Code of Regulations Section: 85069.5]

NOTE: Prone containment and like techniques shall not be included as part of the facility's discipline policy nor written into individual client's needs and services plan. Such techniques are not to be a planned step in modifying behavior. They are considered to be only last resort emergency physical control techniques designed to prevent injury to bystanders, the assaultive client, other clients, and staff.

The Department will evaluate discipline policies to ensure that these policies do not violate personal rights and that there is a clear statement that there will be no corporal or unusual punishment used. If there is reason to believe that the applicant does not understand what constitutes corporal punishment or a violation of personal rights, or the statements have not been made clear, then further information may be requested.

3-0268 B 9 ADMISSION POLICIES**3-0268**

The admission policies must provide information relevant to the category of clients accepted for care, ages of the clients, rates and refund policies, acceptance and retention limitations, pre-admission appraisals, needs and services plans, medical assessments and an Admission Agreement which contains the typical information a client or his or her authorized representative would need to know prior to entering a facility. A description of the following items must be included in this section:

Persons accepted for care, including age range and compatibility determination process, when necessary.

[California Code of Regulations Sections: 101319(b)(1) & (2)/80018(c)(5) & (7)/85068.4/87101(a)(37)/87582(b)(6)]

Intake procedures for placement in group homes.

[California Code of Regulations Section: 84068.1]

Criteria for determining appropriateness of placement given individual client's needs (i.e. interviews, procedures for obtaining and developing the necessary paperwork).

[California Code of Regulations Sections:
101319(a)(2)/84068.1/85058.1/87567(a)(1)]

Needs and Services Plan.

[California Code of Regulations Sections:
101319.(a)/83068.2/84068.2/85068.2]

Client's Rights/Personal Rights. (At a minimum there should be a statement that clients/residents will be informed of their rights and that client/resident's rights will not be violated).

[California Code of Regulations Sections:
101223(a)(1)-(8)/80082(a)-(d)/87572(a)(1)-(18)]

Medical Assessment.

[California Code of Regulations Sections:
101319.1(a)(3)/80069(a)-(c)]

Pre-Admission Appraisal Plan.

[California Code of Regulations Sections:
101319.1(a)(3)/85068.1/87569(a)(6)/87583]

Emergency Information.

[California Code of Regulations Sections:
101321(c)(2)/87570(b)(7)]

3-0268 B 9 ADMISSION POLICIES (Continued)**3-0268**

Sign-in and Sign-out Procedures.

[California Code of Regulation Section: 101320.1]

Immunization Requirements.

[California Code of Regulations Sections:
101320.1/84069.1/87569]

Physical Examination Requirements (including TB testing).

[California Code of Regulations Sections: 101220(b)/101319.1(a)(4)/
101320(a)(1)(B)/80069(b)/87069(a)&(b)/87569(a)(1)]

Admission Agreement. The admission agreement is to include the following information. (The Department's Admission Agreement Guide (LIC 604) is an acceptable form which covers the areas necessary for residential facilities.):

[California Code of Regulations Sections:
101219/80068/84068.1/85068/87568]

- Description of basic services offered. (All basic services must be either offered or, if a client is currently obtaining specific services through other means, planned for in the event the service is needed at a future date.).
- Description of optional services offered. (Reviewed to ensure that required "Basic Services" are not included in this description).
- Payment provisions, such as rates for basic and optional services, payor, due date, and frequency of payments. (Reviewed to ensure provisions are clear and rate charged to SSI/SSP recipients does not exceed the established maximum).
- Modification conditions. (Reviewed to ensure at least 30 day advanced notice for rate change).
- Refund Policy. (Reviewed to ensure that the policy is clear and is not in violation of licensing regulations).
- Rights of the licensing agency.
[California Code of Regulations Sections:
80068(b)(6)/87568(b)(6)]
- Reasons for termination. (Reviewed to ensure that this section is not in violation of licensing regulations).
[California Code of Regulations Sections:
84068.4/85068.5/87589]

3-0268 B 9 ADMISSION POLICIES (Continued)**3-0268**

- Visiting policy.
[California Code of Regulations Sections:
80068(b)(8)/87568(b)(9)]
- House rules.
[California Code of Regulations Sections:
85068(b)(2)/87568(b)(7)]
- Signed and dated by all parties involved.
[California Code of Regulations Sections:
80068(c)/87568(d)]

3-0270 B 10 SAMPLE MENU**3-0270**

It is important for the licensing agency to verify that the applicant is familiar with the provision of balanced meals, acceptable portion sizes and general principles of good nutrition. A sample menu is needed in order to meet this requirement.

The sample menu will include:

One week's worth of planned meals (to include snacks) from the four basic food groups:

[California Code of Regulations Sections:
101173(b)(9)/101227(a)/80022(b)(9)/80076(a)(5)/87576(a) & (b)(6)]

Portion sizes. Evaluate portion sizes using the handbook section found in the regulations.

[California Code of Regulations Sections:
101227(a)(1)/80076(a)(1)/87576(a)]

Time meals served. (Reviewed for time elapsed between last meal of the day and first meal of the next day.)

[California Code of Regulations Sections:
101173(b)(9)/101227(a)/80022(b)(9)/80076(a)(s)(A)/87576(b)(1)]

**3-0272 B 11 LIST OF FURNITURE AND/OR PLAY EQUIPMENT
(CHILD CARE ONLY)****3-0272**

Only the following equipment is required by regulation. However, any equipment that is used must be safe and age and program appropriate. A list of equipment that is used for insurance purposes is acceptable documentation.

Tables & Chairs.

[California Code of Regulations Sections: 101339(e)]

**3-0272 B 11 LIST OF FURNITURE AND/OR PLAY EQUIPMENT
(CHILD CARE ONLY) (Continued)****3-0272**

Toys and equipment used must be age appropriate. (This is determined by the age of the children being served versus the size, weight, height, durability, etc. of the toy/equipment. Additionally, the manufacturer often designates appropriate age of the child on the box or literature that accompanies the product.)

[California Code of Regulations Sections: 101439(g)/101439(c)]

Program appropriate (infant only).

[California Code of Regulations Section: 101439(b)]

Cribs for infants.

[California Code of Regulations Section:101439.1(b)]

Cot or mat for each child.

[California Code of Regulations Sections:101339.1(b)/101439.1(c)]

NO OTHER EQUIPMENT IS SPECIFICALLY REQUIRED.**3-0274 B 12 CONTROL OF PROPERTY****3-0274**

It is necessary for the licensing agency to determine that the applicant/licensee has control over the property that is being or is to be used as a facility. Once licensed, the licensee must be able to ensure that the facility and grounds are maintained and are in compliance with regulations (i.e., repairs made to the physical plant, fences around swimming pools, etc.).

Name and address of the owner must be provided.

[California Code of Regulations Sections:
101169(c)(3)/80018(c)(3)/87218(a)(6)]

A copy of the lease agreement or rental agreement must be provided. (There are no requirements related to length of the lease or rental agreement.)

If the agreement precludes the use of property as a facility, prevents the applicant/licensee from achieving compliance with regulations, or the operation of a facility is contrary to the terms of the agreement, the license must be denied/withdrawn as the licensee would not have adequate control over the property (i.e., the agreement states that Susie and Mary are to be the persons residing in the house and anyone else needs to be approved, the agreement states the property cannot be used for business purposes and the applicant wishes to operate a facility for more than six persons).

3-0274 B 12 CONTROL OF PROPERTY (Continued)**3-0274**

Proof of ownership must be provided if the applicant is the owner of the property.

Refer to question 29 on the 401a for the applicant's response. Ownership may be verified by a Deed or Property Tax bill. If the applicant is purchasing the property and it is federally insured, the mortgagor's name and loan balance should appear on the credit report.

3-0276 B 13 BACTERIAL ANALYSIS OF WATER**3-0276**

This is required for all categories at initial licensure if water for consumption is from a private source, regardless of the number of clients served. Submit evidence of on-site inspection of the source of the water and a bacteriological analysis by a local or State health department or other qualified laboratory which establishes the safety of the water. If the analysis provided gives only a chemical/bacterio-logical analysis and not a specific statement as to whether or not the water is safe to drink, request that the applicant get such a statement from the laboratory.

[California Code of Regulations Sections:
101172(a)(1)/80021(a)(1)/87691(e)(1)(A)]

This analysis must be signed by an appropriate qualified agency representative.

3-0278 OTHER INFORMATION REQUIRED BY STATUTE OR REGULATION**3-0278****RESIDENTIAL CARE FACILITIES FOR THE ELDERLY ONLY**

Insurance Information. A statement concerning whether or not there will be insurance covering the facility operation. If there is insurance coverage, what type of coverage and with whom. If there is no insurance coverage, a statement of such is sufficient.

[California Code of Regulations Sections: 87218(a)(14)]

Theft and Loss Policy. This policy shall include the provisions for inventory of personal property at the time of admission, modification of the inventory, practices used to safeguard personal property upon the death of a resident, documentation and reporting of loss of personal property, method for marking personal property, and method for providing a secure area for safekeeping of resident personal property.

[Health & Safety Code Sections 1569.152 and 1569.153]

3-0278 OTHER INFORMATION REQUIRED BY STATUTE OR REGULATION (Continued)**3-0278**

Forty Hour Certification Program. All new applicants and administrators must successfully complete the 40-hour Certification Program from an approved vendor. A Department issued certificate of completion of the program or proof of enrollment in the next available 40-hour program must be submitted prior to licensure.

[California Code of Regulations Sections: 87218(a)(2) and (9)]

APPLIES ONLY TO NON-RESIDENT COMMUNITY CARE FACILITIES OR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY WITH A LICENSED CAPACITY OF SIX OR FEWER.

Neighborhood Complaint Policy. Facilities with nonresident owners shall establish procedures for immediate response to incidents and complaints. The procedures must include a time when the owner, licensee or designee will be available to meet with neighborhood residents.

[Health & Safety Code Sections 1524.5 and 1569.175]

3-0279 GROUP HOME PROGRAM STATEMENT**3-0279****FOR GROUP HOMES ONLY**

Background: Welfare and Institutions Code, Sections 11467(a) and (b) mandate the Department to develop a standardized group home program statement for rate setting, community care licensing, and county placement purposes. The requirement for this standardized document ensures that the applicant submits the same information to the Foster Care Rate Setting Bureau, Community Care Licensing and county placement agencies.

PROCESSING THE GROUP HOME PROGRAM STATEMENT

Effective October 1, 1993, all group home applicants are required to complete the Group Home Program Statement (GHPS-LIC 9106) which is the approved statewide format for developing the plan of operation for group homes (Reference: California Code of Regulations, Sections 80022 and 84022). The LIC 9106 lists the required documents and other information that must be completed to meet the plan of operation requirements. Please use the LIC 9106 as a reference.

Please note that existing group home licensees that do not make changes to their plan of operation or submit a request for a rate change (either increase or decrease) are not required to submit an LIC 9106 at this time. Eventually, existing group home licensees will be required to update their group home plan of operation. By July 1, 1994, the plan is to require all group home facilities to describe their plan of operation using the new document.

3-0279 GROUP HOME PROGRAM STATEMENT (Continued)**3-0279**

The LIC 9106 is divided into three parts:

PART I. Identifies the group home program and specified why the group home program statement is being submitted, e.g., initial license, initial rate request, existing group home program is being changed.

PART II. Identifies the type of children the group home will accept and types and levels of structure, supervision and services provided.

PART III. Directs the group home applicants to provide specific program information in a narrative format. As stated above, this is the statewide consistent format that applicants are mandated to use to submit the group home plan of operation information. However, it is important to note that applicants have the option of using existing licensing forms to provide the required information. For example, the applicant can use the LIC 500 to provide personnel information.

1. Some of the information required to be completed in PART III of the LIC 9106 is also required under the COMPONENT I – SECTION A OR SECTION B GUIDELINES for all community care facilities. If a requirement is listed in both places – the LIC 9106 and the COMPONENT I ORIENTATION – SECTION A OR SECTION B GUIDELINES, the applicant shall only be required to comply with the requirements listed in LIC 9106.
2. Most requirements are listed only in COMPONENT I ORIENTATION – SECTION A OR SECTION B GUIDELINES. If the requirements are not listed in both places, (PART III of the LIC 9106 and under the COMPONENT I ORIENTATION – SECTION A OR SECTION B GUIDELINES) the group home applicant shall comply with the requirements specified in COMPONENT I-SECTION A or SECTION B GUIDELINES.

3-0279 GROUP HOME PROGRAM STATEMENT (Continued)**3-0279**

The following is a list of the requirements that are contained in both the LIC 9106 and COMPONENT I ORIENTATION – SECTION A or SECTION B GUIDELINES for all Community Care Facilities:

A 3	Designation of Administrative Responsibility (LIC 308)	(LIC 9106 Part III 23)
A 4	Administrative Organization (LIC 309)	(LIC 9106 Part III 23)
A 5	Affidavit Regarding Client Cash Resources (LIC 400)	(LIC 9106 Part III 15)
A 10	Personnel Report (LIC 500)	(LIC 9106 Part III 19 & 23)
A 11	Personnel Record (LIC 501)	(LIC 9106 Part II 23)
A 14	Facility Sketch (LIC 999)	(LIC 9106 Part III 26)
B 1	Partnership Agreement/ Articles of Incorporation	(LIC 9106 Part III 23)

3-0279 GROUP HOME PROGRAM STATEMENT (Continued)**3-0279**

B 2	Verification of Administrator/ Director Qualifications	(LIC 9106 Part III 23)
B 3	Verification of Social Work Staff	(LIC 9106 Part III 20)
B 4	Job Descriptions	(LIC 9106 Part III 21)
B 5	Personnel Policies	(LIC 9106 Part III 21 & 23)
B 6	In Service Training for Staff	(LIC 9106 Part III 22)
B 7	Facility Program Description	(LIC 9106 Part III 13)
B 8	Discipline Policies	(LIC 9106 Part III 13)
B 9	Admission Policies	(LIC 9106 Part III 8)
B 10	Sample Menu	(LIC 9106 Part III 17)

I. INITIAL REQUEST FOR GROUP HOME LICENSE**A. FOR POTENTIAL APPLICANTS**

1. For initial inquires regarding group home licensure, send or give a copy of the pamphlet "SO, YOU WANT TO OPEN A GROUP HOME FOR CHILDREN/HERE IS SOME INFORMATION YOU NEED TO KNOW" (PUB 223).

3-0279 GROUP HOME PROGRAM STATEMENT (Continued)**3-0279**

2. If the potential applicant plans to care for the Aid to Families with Dependent Children - Foster Care population, refer potential applicant to the host county. Schedule the potential applicant for the next orientation.
3. If the potential applicant does not plan to care for the Aid to Families with Dependent Children - Foster Care population, schedule the potential applicant for the next orientation.
4. If the potential applicant has completed the LIC 9106 and the county has reviewed the document, schedule the potential applicant for the next orientation.

B. FOR EXISTING LICENSEES WHO PLAN TO APPLY FOR A NEW GROUP HOME LICENSE OR AN ADDITIONAL GROUP HOME LICENSE:

1. An LIC 9106 is not required if the license plans to submit an application to increase the capacity of an existing group home.
2. The LIC 9106 is required if the licensee plans to revise the facility program. The licensee is to be referred to the host county to determine whether the program is needed in the county if he/she plans to serve Aid to Families with Dependent Children - Foster Care children. Additionally, the licensee is to be scheduled for the next orientation to inform him/her of the new requirements for group home licensure.

ADDENDUM TO GROUP HOME PROGRAM ORIENTATION

1. Applicant attends orientation and is given one copy of the LIC 9106. Explain that in order to complete the application requirement, the licensee must submit a completed application, the LIC 9106, and the host county letter (if applicable). The host county letter is only applicable when the applicant plans to care for Aid to Families with Dependent Children - Foster Care eligible children and will be requesting a rate to cover the costs of their placement.

3-0279 GROUP HOME PROGRAM STATEMENT (Continued)**3-0279**

2. For applicants who have completed the LIC 9106 and the host county has reviewed the LIC 9106, the next step is for the applicant to complete the group home application.
3. For applicants who have not completed the LIC 9106 and plan to care for the Aid to Families with Dependent Children - Foster Care population, the applicants are to be referred to the host county for review of the LIC 916 and to obtain the host county letter.
4. If the applicant does not plan to care for the Aid to Families with Dependent Children - Foster Care population, refer to the applicant to the appropriate placement agency to discuss the LIC 9106 (e.g., regional centers, if developmentally disabled population).
5. The orientation agenda must include a discussion of the intent of the LIC 9106; instructions for the completing LIC 9106; and an explanation that the LIC 9106 is a substitute for the plan of operation requirement specified in the group home regulations.

REVIEWING THE LIC 9106

OVERVIEW: Regional Offices will be the clearing house for processing the LIC 9106. Therefore, all completed applications, LIC 9106, and host county information shall be first submitted to the licensing agency responsible for licensing the group home. It is the responsibility of the Regional Offices to forward copies of the LIC 9106 and the host county letter to the Foster Care Rates Bureau.

- A. The Community Care Licensing Division will not process a group home application without a completed LIC 9106.
- B. The Community Care Licensing Division will, however, process a group home application without a host county letter. The host county letter is not a licensing requirement. The host county letter is only applicable when the applicant plans to care for Aid to Families with Dependent Children - Foster Care eligible children and will be requesting a rate to cover the costs of their placement.

3-0279 GROUP HOME PROGRAM STATEMENT (Continued)**3-0279**

PROCEDURES

1. Applicants are to submit the LIC 9106 in duplicate, the original and one copy, the host county letter (if applicable), and the required completed application information.
2. Review the LIC 9106 to determine whether it meets the plan of operation requirements.
3. If it is determined that the LIC 9106 requires corrections/revisions, the application package, including the LIC 9106, is to be returned to the applicant for corrections/revisions.
4. Applicants shall insert the revisions/corrections in duplicate and submit them in the appropriate section in the LIC 9106.
5. During the COMPONENT II – FACE-TO-FACE INTERVIEW, the LIC 9106 is to be discussed with the applicant.
6. If it is determined that the LIC 9106 meets the plan of operation requirements, the Regional Office shall complete a transmittal letter and forward a copy of the LIC 9106 and host county letter to:

Bureau Chief
Department of Social Services
Foster Care Rates Bureau
744 P. Street, M.S. 19-74
Sacramento, CA 95814
(916) 323-1263
7. The application process does not end when the LIC 9106 is forwarded to the Foster Care Rates Bureau. Continue to review the completed application and make a determination to approve or deny the application.
8. Upon approval or denial of the application, send written notification of the decision to the Foster Care Rates Bureau at the address specified in #6 above.

3-0280 CLOSING COMPONENT I SESSION**3-0280**

- A. Address any remaining questions.
- B. Read regulations prior to completing application.

3-0280 CLOSING COMPONENT I SESSION (Continued)**3-0280**

- C. Advise applicant to submit both A and B documents at one time.
1. Use A and B guidelines in application booklet to assist in completion of application package.
 2. Do not start fingerprint clearance process, by card or Livescan, until facility number is received.
- D. Applicants are responsible for contacting outside agencies.
- E. Advise applicant to check with placement agencies regarding the need for a particular facility type in their area.
- F. Remind group of remaining orientation requirements:
1. Component II – Face to Face Interview.
During the face to face interview the credit report may be reviewed and shown to the applicant. The applicant may note information from the credit report but may not retain the credit report or receive a copy of the report from the Community Care Licensing Division.

The applicant can obtain information on how to obtain a free copy of their credit report by writing or calling:

For Individual Credit Reports
Trans Union
PO Box 1000
Chester, PA 19022
(800) 888-4213

for Corporate Business Reports
Experian Business Information
P.O. Box 9531
Allen, Texas 75013
(888) 211-0728

Should the applicant disagree with the contents of the credit report, they can dispute it by calling or writing Trans Union at:

For Individuals
Trans Union
PO Box 34012
Fullerton, CA 92834
(800) 916-8800

For Corporate Business Report
Same as Above

A form to be used by the applicant/licensee to request their credit report may be found at the end of Sample Letter #2 (Section 3-0310) located in the Application Section of the Evaluator Manual. Licensing will assume that the information on the credit report is correct unless the applicant delivers to the Licensing Program Analyst more up to date information, such as, a current creditor statement(s) reflecting the actual outstanding balance(s) of credit accounts.

2. Component III – Category specific orientation/training.

3-0280 CLOSING COMPONENT I SESSION (Continued)**3-0280**

- G. A Licensing Program Analyst will be assigned to each applicant.
 - 1. Call for clarification or specific questions.
 - 2. Notification of Face to Face Interview by mail or phone.
- H. The law prohibits operating a facility without a license.
- I. Do not accept client for care until the license is issued.
- J. Pick up Certificate (LIC 281C) at end of session.
 - 1. Bring back to Component II and III.
- K. Bring regulations for review purposes to Component III.

3-0290 SECTION B CHECKLIST**3-0290****B.1 PARTNERSHIP AGREEMENT/ARTICLES OF INCORPORATION**

- ☐ Partnership Agreement
 - ☐ All general partners need to sign the application.
 - ☐ Name, residence and business address of each general partner.
 - ☐ Description of obligations/duties of each general partner including whether or not each can act on behalf of the other.
- ☐ Articles of Incorporation
 - ☐ Constitution and By laws
 - ☐ Board Resolution, including authorization to apply for a license and name of person authorized.
 - ☐ Board Officers'; names, titles and business and home addresses.
 - ☐ Name and Address of 10 percent shareholders.

3-0290 SECTION B CHECKLIST (Continued)**3-0290****B.1 (a) ARTICLES OF ORGANIZATION FOR LIMITED LIABILITY COMPANIES**

- ☐ Articles of Organization
 - ☐ Operating Agreement
 - ☐ Manager(s) and managing members names, titles, business and home addresses and non-managing members holding 10 percent or more interest in the Limited Liability Company
 - ☐ Members, names, titles, business and home addresses

B2 VERIFICATION OF ADMINISTRATOR/DIRECTOR QUALIFICATIONS**EDUCATION:**

- ☐ Transcripts

EXPERIENCE:

- ☐ Written References

CERTIFICATION:

- ☐ Residential care facilities for the elderly, adult residential facilities and group homes. Copy of certificate.

B3 VERIFICATION OF SOCIAL WORK STAFF**EDUCATION:**

- ☐ Required
 - ☐ Transcripts
- ☐ Not required

3-0290 SECTION B CHECKLIST (Continued)**3-0290**

EXPERIENCE:

- ☐ Required
- ☐ Written References
- ☐ Not Required

B4 JOB DESCRIPTIONS

- ☐ One for each classification
- ☐ Minimum qualifications
- ☐ Duties & responsibilities
- ☐ Lines of supervision

B5 PERSONNEL RIGHTS

- ☐ Work hours/shifts
- ☐ Employee rights
- ☐ Abuse reporting procedures
- ☐ Hiring practices

B6 IN SERVICE TRAINING FOR STAFF

- ☐ Which staff will be trained, how determined and who will train
- ☐ Topics covered

3-0290 SECTION B CHECKLIST (Continued)**3-0290****B7 FACILITY PROGRAM DESCRIPTION**Child Care Centers

- ☐ Statement of philosophy, purpose, goals and program methods
- ☐ Schedule of daily Activities
 - ☐ Days and hours of operation
 - ☐ Meal and snack time
 - ☐ Nap time
 - ☐ Times of specific activities
- ☐ Admission Policies
 - ☐ Ages of children accepted
 - ☐ Supplementary services
 - ☐ Field trip provisions
 - ☐ Transportation arrangements
 - ☐ Food Service provisions
- ☐ Medication policy and/or plan
- ☐ Utilization in medical or dental emergency
- ☐ Sign in and out procedures

Community Care Facilities/Residential Care Facilities for the Elderly

- ☐ Statement of philosophy, purpose, goals and program methods
- ☐ Special services (i.e. delayed egress, hospice care, secured perimeters, incidental medical care, etc., if applicable).

3-0290 SECTION B CHECKLIST (Continued)**3-0290**

- ☐ Day and hours of operation
- ☐ Plan of activities
 - ☐ Who is involved
 - ☐ Who conducts activities
 - ☐ Social, educational and recreational activity schedule
- ☐ Description of basic services
- ☐ Description of optional services
- ☐ Procedures of medical emergencies
- ☐ Medication procedures
- ☐ Community resources and consultants to be used
- ☐ Procedure to response to incidents and complaints (non-resident owner six bed facilities)

B8 DISCIPLINE POLICIES

- ☐ Type of discipline to be used and under what conditions
- ☐ Types of discipline not permitted
- ☐ Provisions for parent/placement contact/conferences
- ☐ Dismissal/eviction/relocation/removal grounds

3-0290 SECTION B CHECKLIST (Continued)**3-0290****B9 ADMISSION POLICIES**

- ☐ Persons accepted for care
 - ☐ Age range
 - ☐ Compatibility determination process
- ☐ Intake procedures for group homes
- ☐ Criteria for determining appropriateness (interviews, procedures for obtaining and developing paperwork)
- ☐ Needs and Services Plan
- ☐ Clients Rights/Personal Rights
- ☐ Medical Assessment
- ☐ Pre-Admission Appraisal Plan
- ☐ Emergency Information
- ☐ Sign-in and Sign-out Procedure
- ☐ Immunization Requirements
- ☐ Physical Examination Requirements, including TB tests
- ☐ Admission Agreement
 - ☐ Description of basic services
 - ☐ Description of optional services
 - ☐ Payment Provisions
 - ☐ Rate for basic services
 - ☐ Rate for optional services

3-0290 SECTION B CHECKLIST (Continued)**3-0290**

- ☐ Payor
- ☐ Due Date
- ☐ Frequency of payments
- ☐ Modification conditions
- ☐ Refund policy
- ☐ Licensing agency rights
- ☐ Reasons for termination
- ☐ Visiting policy
- ☐ House rules
- ☐ Signed and dated

B 10 SAMPLE MENU

- ☐ One week's meals
- ☐ Portion sizes
- ☐ Times of meals

3-0290 SECTION B CHECKLIST (Continued)**3-0290****B 11 LIST OF FURNITURE AND/OR PLAY EQUIPMENT (CHILD CARE CENTER ONLY)**

- ☐ Tables and chairs
- ☐ Age appropriate toys and equipment
- ☐ Program appropriate (infant only)
- ☐ Cribs for infants
- ☐ Cot/mat for each child

B 12 CONTROL OF PROPERTY

- ☐ Name and address of owner
- ☐ Copy of lease or rental agreement
- ☐ Deed or Property Tax bill, if applicant is the owner

B 13 BACTERIAL ANALYSIS OF WATER

- ☐ Not applicable
- ☐ Water safety established
- ☐ Signed by appropriate qualified agency representative

3-0295 APPLICATION FOLLOW UP ACTIVITIES**3-0295**

There are certain letters and verifications that must be sent out upon acceptance of an application (Sections A and B) and prior to licensure. It is the responsibility of the Evaluator to ensure that the required documentation has been received prior to approving the application. Those documents include:

- **Criminal Record Clearance** – Fingerprint submission instructions are sent to the applicant upon receipt of a completed application and the assignment of a facility number. These clearances apply to all facility categories.

3-0295 APPLICATION FOLLOW UP ACTIVITIES (Continued)**3-0295**

- **Child Abuse Index Check** – The form and instructions are sent to the applicant upon receipt of a completed application and the assignment of a facility number. These checks are required only for facilities that serve children.
- **Fire Clearance** – The request for a fire inspection and clearance is generated in the Regional Office, upon receipt of a completed application. Fire clearances are required for all categories except family child care homes with a capacity of six or fewer ambulatory children and foster family homes who do not provide care to disabled or nonambulatory children. Refer to category specific regulations for more detail on exceptions.
- **Overconcentration** – An overconcentration letter, generated at the Regional Office, upon receipt of a completed application is sent to the local planning department to verify there is not another licensed facility within 300 feet of the proposed facility site. This requirement only applies to adult residential facilities, group homes, and small family homes.
- **Letter to Board Members** – This letter, which is generated at the Regional Office, is sent to all Board Members upon receipt of a Corporate application.
- **Notification to Special Education Local Plan Area** – This notification, which is generated at the Regional Office, upon receipt of a group home or small family home application, is sent to the administrator of Special Education Local Plan Area along with a copy of the LIC 200. Upon licensure, the Regional Office must also send to the Special Education Local Plan Area a copy of the facility license. These procedures must also be followed when an increase in capacity is requested by a group home or a small family home.
- **Residential Care Facilities for the Elderly** – All Residential Care Facilities for the Elderly applicants must obtain a Department issued certificate of completion of the 40-hour Residential Care Facilities for the Elderly Certification Program prior to licensure.
- **Finances** – Bank account verification and credit report information will be used to verify the financial statements. This includes analyzing the LIC 403a with the applicant's credit report. Page 2 of the 403a is to reflect all debts of the applicant. Should a debt appear on the credit report and not be reflected on the 403a, the Licensing Program Analyst should make notations on the 403a adding the new information in pencil. The shaded area of the 403a may be used to note the credit report information. Discrepancies or concerns between the credit report and the LIC 403a as described in the credit report evaluation criteria and found in TAB C of the appendix of the Evaluator Manual must be resolved by requesting the applicant to bring information to the face to face which will clear up the matter. (Refer to Section 3-0025 for more information on this subject).

**3-0296 APPLICATION FOLLOW-UP ACTIVITIES -
FAMILY CHILD CARE HOMES****3-0296**

Prior to issuing a Family Child Care Home license, an announced facility inspection must be conducted. The purpose of the inspection is to ensure the applicant and his/her home meets licensing requirements.

Contact the applicant by telephone to set up a date for the visit. Review the Family Child Care Home Pre-licensing Readiness Guide with the applicant to assess their readiness for the inspection. It may be necessary to provide technical assistance to the applicant while going through the guide. Note: the Family Child Care Home Pre-licensing Readiness Guide may be provided to the applicant prior to the telephone contact. After discussion with the applicant, if it is determined that the applicant is prepared, schedule a date for the pre-licensing visit. If it is determined that the applicant is not prepared, request a date by which the applicant will be ready (preferably within 30 days.) Re-contact the applicant before the pre-licensing visit is conducted.

The Family Child Care Home Pre-licensing Readiness Guide is filed in the public portion of the facility file.

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION)****3-0310**FACE-TO FACE INTERVIEW
SAMPLE

(Type/stamp in Regional Office Address)

(Today's date)

Dear Applicant:

Your application for a (facility category) has been received and assigned to me for processing. An interview has been scheduled for (date, time and location) to discuss your application and facility program. Please plan on having your administrator/director attend the interview with you.

The purpose of this interview is to discuss your application package, resolve outstanding concerns that may exist and answer any questions you may have after attending the orientation session.

Please bring your California Drivers License or other photo identification to the interview and advise your administrator/director to do the same. If there are questions concerning your credit report, an attachment requesting additional information will accompany this letter. Please bring this information to the appointment scheduled along with the LIC 281C, Orientation/Application Process Certificate of Completion.

If you are unable to attend the interview as scheduled, or have any questions regarding the application process, please contact me at ().

Sincerely,

Signature

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION (Continued)****3-0310**

(Letter #1 – This sample letter to be used by the intake Licensing Program Analyst when the liabilities on the credit report reveals discrepancies from what the applicant submitted on the LIC 403a. In the Common Library, the letter is called “Financial Statement Rejection Letter”. It is designed to be used as an attachment to the letter setting up the face to face interview. This letter is found in the Common Library at:
http://sac8.dss.ca.gov/cclldcommon/facility_forms/crdtchck1.pdf)

Applicant: _____

The California Department of Social Services, Community Care Licensing Division adheres to the provisions and regulations set forth in the following statutes: The Community Care Facilities Act, the California Child Care Act, the California Residential Care Facilities for the Elderly Act, and other statutes, including those governing Residential Care Facilities for the Chronically Ill. Common to these statutes is a requirement that an applicant provide: “Evidence satisfactory to the department....[that] the applicant has sufficient financial resources to maintain the standards of services required by the regulations adopted pursuant to ...”

(Reference: 1520(c) community care facility, 1596.95(c) child care centers, 1569.15(c) residential care facilities for the elderly, 1568.04(a) (2) residential care facilities for the chronically ill.

To ensure you have the resources necessary to meet the operating costs for the care and supervision of clients/residents, a Trans Union Credit Report has been obtained on your application to open the (type of facility) located at (location). The credit report is used by the California Department of Social Services to verify the information you submitted on the Balance Sheet (LIC 403), the Balance Sheet Supplemental Schedule (LIC 403a), the Monthly Operating Statement (LIC 401) and the Supplemental Financial Information Statement (LIC 401a).

The Community Care Licensing Division obtains credit reports on all applicants for residential care facilities. The Community Care Licensing Division is entitled to the credit report information based on Section 604 (3)(D) of the Fair Credit Reporting Act which states the following:

A consumer reporting agency may furnish a consumer report to a person which it has reason to believe “... intends to use the information in connection with a determination of the consumer’s eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant’s financial responsibility or status ...”

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION (Continued)****3-0310**

A review of your credit report and the financial information you furnished have revealed some discrepancies. The information contained in the credit report will be used to process your application unless you provide us with more accurate documentation at the second component of the application process (often referred to as the face-to-face meeting). This meeting has been scheduled for _____.

At this meeting, please bring information, such as your most recent statements from the creditor or other current documentation which supports your financial position on the credit accounts and/or liabilities referred to on the attached summary.

The process for removing inaccurate information, if any, contained on your Trans Union Credit Report will be shared with you at this meeting. A copy of the credit report will be reviewed with you. If you have any questions, please contact me at the phone number referred to previously.

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION (Continued)****3-0310**

Applicant/Licensee _____

Creditor or Agency	Amount Due per Credit Report
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____
5. _____	\$ _____
6. _____	\$ _____
7. _____	\$ _____
8. _____	\$ _____
9. _____	\$ _____
10. _____	\$ _____
11. _____	\$ _____
12. _____	\$ _____
13. _____	\$ _____
14. _____	\$ _____
15. _____	\$ _____
16. _____	\$ _____
17. _____	\$ _____
18. _____	\$ _____
19. _____	\$ _____
20. _____	\$ _____
21. _____	\$ _____
22. _____	\$ _____
23. _____	\$ _____

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION (Continued)****3-0310**

(Letter #2 – A sample letter to be used by the intake Licensing Program Analyst when the total liabilities on the credit report exceed the total liabilities reported by the applicant on line 27 of the LIC 403 by \$10,000 or more. This letter is found in the common library under credit and business report information, Financial Statement Rejection Letter.

(Type/stamp in Regional Office Address)

(Today's date)

Dear Applicant:

Your application for a (facility category) has been received. Before this office can proceed with the processing of your application, please read this information and take the steps necessary to complete our request.

The California Department of Social Services, Community Care Licensing Division adheres to the provisions and regulations set forth in the following statutes: The Community Care Facilities Act, the California Child Care Act, the California Residential Care Facilities for the Elderly Act, and other statutes, including those governing Residential Care Facilities for the Chronically Ill. Common to these statutes is a requirement that an applicant provide: "Evidence satisfactory to the department...[That] the applicant has sufficient financial resources to maintain the standards of services required by the regulations adopted pursuant to ..."

(Reference: 1520(c) community care facilities, 1596.95(c) child care centers, 1569.15(c) residential care facilities for the elderly, 1568.04(a)(2) residential care facilities for the chronically ill.

To ensure you have the resources necessary to meet the operating costs for the care and supervision of clients/residents, a Trans Unit Credit Report has been obtained on your application to open the (type of facility) located at (location). The credit report is used by the California Department of Social Services to verify the accuracy of the information you submitted on the Balance Sheet (LIC 403), the Balance Sheet Supplemental Schedule (LIC 403a), the Monthly Operating Statement (LIC 401) and the Supplemental Financial Information statement (LIC 401a).

The Community Care Licensing Division obtains credit reports on all applicants for residential care facilities. The Community Care Licensing Division is entitled to the credit report information based on Section 604(3)(D) of the Fair Credit Reporting Act which states the following:

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION (Continued)****3-0310**

A consumer reporting agency may furnish a consumer report to a person which it has reason to believe "... intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status..."

A review of your credit report and the financial information you furnished have revealed some significant discrepancies. The processing of your application is being postponed until you reconcile the differences between the credit report and debt you reported on you Balance Sheet (LIC 403) and Balance Sheet Supplemental Schedule (LIC 403a). In order for you to complete this reconciliation, you will need to obtain a copy of your credit report from Trans Union. The procedure for you to obtain a free copy of your credit report is available by calling Trans Union toll free at (800) 888-4213 or complete the attached transmittal letter to Trans Union and mail it to:

Trans Union
PO Box 1000
Chester, PA 19022

Should you disagree with the contents of the credit report, you can dispute it by calling or writing Trans Union at:

Trans Union
PO Box 34012
Fullerton, CA 92834
(800) 916-8800

After obtaining a copy of your credit report, make the necessary adjustments to your Balance Sheet (LIC 403) and Balance Sheet Supplemental Schedule (LIC 403a) or take the necessary steps to remove any inaccurate information contained on your credit report. Once completed, resubmit the corrected reports to the Community Care Licensing Division Regional Office processing your application. Upon receipt of this information, the Regional Office will resume the processing of your application. Failure to resubmit these forms within 30 days may initiate an action to deny your application.

If you have any questions regarding this letter, please contact me at ().

Sincerely,

Signature

**3-0310 I SAMPLE OF APPLICANT LETTER TO DISPUTE
CREDIT REPORT INFORMATION (Continued)****3-0310**

Trans Union
PO Box 1000
Chester, PA 19022

To whom it may concern:

On _____, the California Department of Social Services stopped processing of my application for a license to operate a community care facility based on information contained on my Tans Union Credit Report that you provided to them. In order to address this problem, please provide me with a free copy of my credit report.

Send the credit report as soon as possible to:

Here is my personal information necessary for you to run my credit report.

Name (first, middle, last) _____
Residence address _____
City, State, Zip Code _____

Social Security Number _____
Birth Date _____

My spouse was a co-applicant. My spouse's personal information is as follows:

Name (first, middle, last) _____
Residence address _____
City, State, Zip Code _____

Social Security Number _____
Birth Date _____

Sincerely,

Signature

This letter is found in the common library at
http://sac8.dss.ca.gov/ccldcommon/facility_forms/crdtchck3.pdf

3-0350 II CONDUCTING FACE TO FACE INTERVIEW**3-0350**

With the exception of foster family and family child care home categories, a face to face interview will be conducted in the District or Statewide Program Office with all applicants and administrators/directors. This interview should not be conducted at the pre-licensing visit or any other facility visit. In the case of corporate applicants, the President of the Board or the Chief Executive Officer and the administrator/director will participate in the interview. If the President or the Chief Executive Officer is unable to attend, the responsibility must be delegated in writing by Board Resolution or a letter from the Chief Executive Officer to an individual that is an executive or officer within the corporation. In the case of limited liability companies the designated manager or designated managing member who prepared the LIC 215 shall attend. The individual designated cannot be the on-site administrator/director.

The interview will be scheduled within ten calendar days of acceptance of the application and conducted within 30 calendar days from the date the letter scheduling the interview was mailed. These timeframes will allow the Licensing Program Analyst to do a comprehensive application review using Section A and B Guidelines, and preliminary verification of the material submitted, and as such, to go into the interview prepared to discuss all elements of the application.

The intent of this interview is to establish a working relationship with the applicant; provide the applicant with needed information; obtain additional information on questionable areas of the application materials and determine whether or not the applicant/administrator/director understands their own program and the expectations of Community Care Licensing relative to health and safety standards. As such, the interview will be conducted without the presence of any consultants that may have been utilized by the applicant. However, this does not preclude the applicant from consulting with such individuals after the interview.

All initial application interviews will address the following list of items, but shall not preclude other areas that may need to be discussed for the purpose of determining whether or not the applicant has provided the licensing agency with the material needed to show, to the satisfaction of the evaluator (Department), that they have the knowledge, ability and resources to operate a facility in compliance with licensing laws and regulations.

1. Forms – Forms will have already been reviewed and compared in order to identify discrepancies with dates given for birth, graduation, work history and so on. The Licensing Program Analyst will discuss any discrepancies with the applicant. The Licensing Program Analyst will request original documents if copies were submitted.

3-0350 II CONDUCTING FACE TO FACE INTERVIEW (Continued) 3-0350

2. Organization – Discuss administrative and staff responsibilities. This will include the “chain of command” from the licensee on down. In the case of corporate applicants, this will include the role and responsibilities of the Board of Directors, (Chief Executive Officer, President, Executive Director). In the case of limited liability companies this will include the role of managers, managing members and non-managing members, or others, holding 10 percent, or greater, ownership.
3. Any written plans, policies or procedures submitted as part of the application that will affect the operation of the facility (i.e., discipline policies and procedures, program description).
4. Administrator/director qualifications and educational requirements (if applicable). This will include queries about past experience as it relates to being qualified and any transcripts, degrees, certificates or any like item. The Licensing Program Analyst will request original documents if copies have been submitted.
5. Finances – discussion related to finances will address information provided as part of the application and acquired from banking institutions as part of the financial verification. Information resulting from a credit report, when completed, will be discussed if there are questions about the applicant’s past/current financial practices and overall solvency. This may require the presence of or written input from an auditor.
6. During the face-to-face, the credit report may be reviewed with the applicant. The applicant may note information from the credit report but may not receive a copy of the report from the Community Care Licensing Division. If the credit report adversely affects the licensing process, the applicant is to be given the address and phone number of the credit bureau for obtaining a free credit report.
7. Any previous experience(s) in a licensed facility as a licensee, administrator/director and/or staff. The evaluator will make the necessary Licensing Information System inquiries and attempt to determine past and/or current associations.
8. Any questions by the applicant which relate to specific laws/or regulations.

3-0350 II CONDUCTING FACE TO FACE INTERVIEW (Continued)**3-0350**

The evaluator conducting the interview will be responsible for addressing any application issues which may be specific to the category under discussion. For example, if an application is for a group home, then emphasis should be given to areas such as the program description, related to the client population to be served, discipline and staff qualifications. When interviewing an applicant for a residential care facility for the elderly, the evaluator should emphasize areas such as medications, prohibited conditions, acceptance and retention, transfer trauma (relocation), delayed egress, hospice care, secured perimeters, and incidental medical care. If the application is for a child care center, the evaluator should pay particular attention to areas such as director qualifications, proposed staffing ratios and indoor/outdoor space.

The above items do not represent an all inclusive list of categories or subjects to be addressed. They are meant to be examples for addressing category specific issues in an interview.

If, at the time of the interview, the evaluator and the applicant cannot resolve an issue(s), the Local Unit Manager will be consulted and will attend the interview if necessary. This may require an additional interview/conference. However, this should be the exception. As is current practice, any controversial or sensitive matter(s) will be brought to the attention of management.

Upon completion of the interview, the applicant will be informed of the requirement to attend a category specific training session and scheduled for the next available session. However, the pre-licensing visit must be conducted prior to the applicant attending Component III. Before the applicant leaves the interview, the pre-licensing visit should be scheduled, even if the fire clearance or criminal record clearances are still pending.

The Evaluator will summarize the discussion with the applicant and clarify licensing expectations. Any requests being made by the licensing agency for additional information will be documented on the Licensing Report (LIC 809). In addition, when there are known areas of non-compliance at the time of the interview, that must be corrected prior to licensure, the Evaluator will document these areas on the LIC 809. This information can be mailed in by the applicant or arrangements can be made for the Licensing Program Analyst to pick up at the pre-licensing visit. When documenting for the file, information which is of a confidential/personal nature, the Detail Supportive Information (LIC 812) will be used.

NOTE: The evaluator will request and photocopy a driver's license or picture identification of both the applicant and the administrator for inclusion in the application package. Remind individuals to bring the regulations handed out in Component I to Component III for review purposes.

**3-0400 COMPONENT III CATEGORY SPECIFIC ORIENTATION/
TRAINING****3-0400**

Component III is scheduled during the Face-to-Face Interview (Component II). Component III will consist of category specific training to address areas of the regulations that are often not understood by the participant and which may contribute to the licensee operating a problem or substandard facility. Emphasis, at this time, should be placed upon Article 6, "Continuing Requirements" and Article 7, "Physical Environment" as they relate to the category for which the orientation session is being provided. Furthermore, when conducting a residential care facility for the elderly session, the presenter will also need to address Article 8, "Incidental Medical Services." Again, it is during this session that the licensing staff and/or appropriate guest speaker(s) will provide detailed training on technical aspects associated with the operation of a particular facility type.

Prior to opening the session, the Orientation/Application Process Certificate of Completion (LIC 281C) will be collected from each participant during registration and returned to the applicant when the license is issued. A copy of the LIC 281C shall be retained in the facility file. A photo I.D. should be requested during registration to ensure the individual(s) is the same person(s) that attended Components I and II of the orientation.

The following sections shall be covered in Component III:

3-0450 I OPENDING THE SESSION**3-0450**

- A. Introduce yourself, identify the Regional Office, address and telephone number.
- B. Take care of "housekeeping" items – (i.e. time frame, breaks, location of restrooms, etc.)
- C. State purpose/intent of training – to acquaint participants with rules and regulations governing facilities licensed by the Community Care Licensing Division including regulations specific to each category type.
- D. Advise participants that during this session they will be using the general regulations and the category specific regulations that were previously handed out in Component I.
- E. Information provided during this session will assist providers in the maintenance and operation of their facility as well as provide them with information to avoid potential problem areas.
- F. Advise participants that questions should be limited to the specific regulations that are being discussed. As time permits, additional questions will be taken at the end of the presentation.

3-0460 II GENERAL LICENSING REQUIREMENTS**3-0460**

Participants shall be asked to refer to their regulations market “General Licensing Requirements” and a brief explanation shall be provided on how to read the regulations.

Reference Division 12, Title 22, California Code of Regulations, commencing with Sections 101151 through 101239 for child care facilities, except family child care homes, or

Division 6, Title 22, California Code of Regulations, commencing with Sections 80000 through 80088 for all community care facilities except for foster family homes, or

Division 6, Title 22, California Code of Regulations, commencing with Sections 87000 through 87088 for foster family homes, or

Division 6, Title 22, California Code of Regulations, commencing with Sections 87100 through 877730 for residential care facilities for the elderly, or

Division 6, Title 22, California Code of Regulations, commencing with Sections 87800 through 87924 for residential care facilities for the chronically ill.

The information presented at the category specific training will allow the Licensing Program Analyst to address in a group setting those items which some Licensing Program Analysts may have in the past discussed individually at the precicensing visit, such as record keeping, activities, equipment, supplies or personal accommodations. Therefore, the time spent at the precicensing visit should be reduced as the main focus of the visit is to ensure that the physical plant meet all requirements.

The following orientation outline provides the Licensing Program Analyst with an overview of sections of the General Licensing Requirements that must be covered with the entire group. Have the participants follow along with the regulations as you cover the following areas. This will provide them with hands-on use of the regulations. As the presenter goes through the various sections of the regulations, inform the participants what they can expect to encounter when operating a specific facility type (i.e. property destruction in group homes, deteriorating health of residential care facility for the elderly residents). In addition, it is at this session that the participant will receive a detailed description of what to expect from the Licensing Program Analyst when a specific area of the regulations is being evaluated. For example, when the presenter is addressing medications, the discussion would involve what the Licensing Program Analyst is looking for when checking labels or central storage, as well as, the potential for citation of deficiencies (Type A, B or C), plan of corrections and the assessment of civil penalties if citations are not corrected.

3-0460 II GENERAL LICENSING REQUIREMENTS (Continued)**3-0460**

In summary the following outline, as mentioned before, is a general overview of what must be covered. It is not the Department's intent to provide the Licensing Program Analyst with a script to follow, but to allow the Licensing Program Analyst's the flexibility to add their own experiences and focus on problem areas to ensure substantial compliance of the regulations that must be covered in the following sections:

3-0470 III CONTINUING REQUIREMENTS**3-0470**

The following licensing requirements apply to all facility types, unless specifically noted.

A. Reporting Requirements

1. Licensees must report all injuries, deaths, incidents of abuse, catastrophes, or epidemic outbreaks.
2. Organizational changes (licensee and/or personnel).
3. Location change.
4. Capacity change.

B. Finances

1. Licensees must have sufficient financial resources to maintain operation of facility and the care and supervision of clients.
2. Maintain financial records (except small family homes).
3. Handle personal and incidental monies (except childrens facilities).
4. Surety bond on file (if applicable).
5. Safeguard (keeping records) of clients cash resources (except child care centers).

C. Accountability

1. Licensee shall be responsible for the care and supervision of clients.
2. Maintenance and operation of the facility.

3-0470 III CONTINUING REQUIREMENTS (Continued)**3-0470****D. Administrator**

1. Administrator must be 18 years or older (except residential care facilities for the elderly – must be 21 years or older).
2. Knowledge and ability to provide the type of care and supervision needed by clients.
3. Knowledge and ability to comply with applicable law and regulations.
4. Ability to direct the work of others.
5. Ability to maintain or supervise the maintenance of financial and other records.
6. Ability to carry out the facility's policy, program and budget.
7. Ability to recruit, employ, train and evaluate qualified staff and terminate with licensee involvement.

E. Personnel Requirements

1. All staff must be 18 years and older (except aides in child care centers).
2. Must have a health screening (including TB test).
3. Criminal record clearance (discuss fingerprinting procedures and Livescan program at this point along with the LIC 198A for the children's programs).
4. On-the-job training.
5. Must not use clients as substitutes for required staff.

- Handout LIC 311 Series

F. Personnel Records

1. Licensee must have on file employment applications (except small family homes).
2. Health screening (including TB test).
3. Records must be maintained at the facility for at least three years.

3-0470 III CONTINUING REQUIREMENTS (Continued)**3-0470****G. Admission Agreements**

1. Admission Agreements must be maintained at facility for all clients.
2. Dated and signed by all clients or authorized representative.
3. All modifications to Agreement dated and signed.
4. Original copy on file and copy to client/authorized rep.
5. Licensee to comply with the Agreement.

H. Client Medical Assessment

1. Licensee must have a written medical assessment from licensed physician for each client.
2. Record of any infectious or contagious diseases.
3. TB test.
4. Special problems or needs.
5. Prescribed medications.
6. Ambulatory status.
7. All medical assessments must be kept in the facility file and retained for three years.

I. Clients/Children Records

1. All Client/children records must be separate, complete and current record on file for each client.
2. Each record will contain the information listed in the regulations.
3. All client records are confidential.
4. Licensing shall have the authority to inspect and obtain copies of client/children records.

3-0470 III CONTINUING REQUIREMENTS (Continued)**3-0470****J. Register/Roster of Clients/Children**

1. Facility must have an updated and current register/roster of clients/children in the facility with name, address, phone number, ambulatory status, physician name and authorized representative.
2. This is confidential information.

K. Personal Rights/Discipline

1. Clients/children may not be subjected to corporal punishment.
2. Clients/children may not be locked in rooms.
3. No restraints, except approved postural supports. (Discuss restraint procedures for GROUP HOMES and certified treatment facilities if any applicants for these categories are present).
4. Visiting policy.
5. Free to contact their authorized representative or licensing agency.
6. Handout LIC 613 for community care facilities and Child Care Centers.

L. Telephones

1. Must have a working telephone on premises.
2. If facility has a payphone, must supply clients with coins.

M. Transportation

1. Transportation available to transport clients to medical or dental appointment or other outdoor planned activities or appointments.
2. Facility must have a licensed driver.
3. Vehicle(s) must be maintained and in safe operating condition.

N. Health Related Services

1. Licensee must provide and ensure medical treatment for injuries and illnesses.

3-0470 III CONTINUING REQUIREMENTS (Continued)**3-0470**

2. Medications are stored, locked, labeled and assistance given according to regulations.
3. Isolation room(s) available for ill clients.
4. First aid supplies available.
5. Name, address and telephone numbers of emergency agencies which includes ambulance service, physicians, placement agencies, etc. must be posted.
6. One staff person able to communicate with emergency personnel.
7. Name, address and telephone numbers of each client's physician.
8. Consent forms on file to permit authorized medical care.
9. A record of centrally stored prescription medications to be maintained and retained for at least one year.
10. Ensure destruction of medication, which is not taken with the client upon client's termination from the facility.

O. Food Service

1. Facility must have sufficient food to meet needs of clients.
2. Sufficient perishable and non-perishables.
3. Menus shall be written at least one week in advance.
4. Copies of menus as served shall be dated and kept on file for at least 30 days.
5. Modified diets prescribed by client's physician shall be provided.
6. Food areas, equipment, dishes and utensils clean.
7. Food protected from contamination.
8. Pesticides/toxics/cleaning compounds not stored with foods.
9. Free from rodents, insects or other vermin.

3-0470 III CONTINUING REQUIREMENTS (Continued)**3-0470**

10. Home canned foods shall be processed in accordance with standards of the University of California Agricultural Extension Service.

P. Care and Supervision

1. Licensee must have sufficient competent staff to meet the needs of clients.

Q. Planned Activities

1. Licensee must provide planned recreational activities.
2. Written plan.
3. Group interaction.
4. Social activities.
5. Physical activities.

3-0480 IV PHYSICAL ENVIRONMENT**3-0480**

A. Building and Grounds

1. Facility is clean, safe, sanitary and in good repair.
2. Swimming pools are inaccessible.
3. Hazardous materials and firearms are inaccessible to clients.

B. Fixtures, Furniture, Equipment and Supplies

1. Toilets/handwashing facilities available and in operating condition to meet the needs of clients.
2. Hot water is not more than 120 degrees Fahrenheit.
3. Solid waste is stored, located and disposed of properly.
4. Furniture and equipment is in good repair, safe and free from hazards.

3-0500 V CATEGORY SPECIFIC REGULATIONS**3-0500**

The following licensing requirements are in addition to the “General Licensing Requirements” that are specific to the following categories:

3-0510 VI RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**3-0510****A. Administrator Qualifications – 87564**

1. Facilities with a capacity of 1 to 15, the administrator must have knowledge of the requirements of providing care and supervision to elderly residents and ability to comply with all licensing regulations.
2. Facilities with a capacity of 16 to 49, the administrator must have 15 units of college education or continuing education and one year providing residential care to the elderly; or equivalent education and experience.
3. Facilities with a capacity of 50 or more, the administrator must have two years of college education and three years providing residential care to the elderly; or equivalent education and experience.
4. All administrators are required to complete an approved 40-hour Residential Care Facility for the Elderly Certification Program and renew their certificate every two years.
5. All administrators with a valid Nursing Home Administrator license are exempt from the 40-hour Residential Care Facility for the Elderly Certification Program. However, they are required to complete 12 core of knowledge hours in the areas pertaining to laws, regulations, policies and procedures; the use, misuse and interaction of medications; and admission, retention and assessment procedures; and to renew their certification every two years.

B. Personnel Requirements – Section 87565

1. All personnel shall be given on-the-job training or have related experience in the job assigned to them.
2. All personnel shall submit a health screening signed by a physician no more than seven days after employment.
3. All personnel providing care and supervision shall be at least 18 years of age or older.
4. A sufficient number of competent staff shall be employed to meet the resident’s needs. This may vary depending on care needs of residents in the facility.

3-0510 VI RESIDENTIAL CARE FACILITIES FOR THE ELDERLY 3-0510
(Continued)**C. Incidental Medical and Dental Care – Section 87575**

1. Licensee must have a written plan for incidental medical and dental care.
2. Provide transportation to and from medical appointments.
3. Assist residents with self-administered medications as needed.
4. First aid kit available.
5. Capable of providing emergency care.

D. Personal Accommodations and Services – Section 87578

1. Facility must have common rooms such as living rooms, dining rooms, dens and other recreation/activity rooms available.
2. No more than two residents per room.
3. Each resident shall have a chair, night stand, lamp, and chest of drawers.
4. Sufficient and clean linens.
5. Appropriate hygiene items.
6. At least one toilet and washbasin for each six persons in the facility.
7. At least one bathtub or shower for each ten persons.
8. Laundry service available.

E. Night Supervision (10 p.m. to 6 a.m.) – Section 87581

1. Persons providing night supervision are trained in First Aid and available to assist in caring for residents as required.
2. Have participants turn to Section 87581 to review specific capacity requirements.

3-0510 VI RESIDENTIAL CARE FACILITIES FOR THE ELDERLY
(Continued)**3-0510**

- F. Acceptance and Retention Limitations – Section 87582
1. Persons with active communicable diseases shall not be accepted.
 2. Patients requiring inpatient care in a health facility will not be accepted.
 3. Persons capable of administering their own medication may be accepted.
 4. Persons receiving medical care and treatment outside the facility or receiving needed medical care from a visiting nurse may be accepted.
 5. Persons with mild problems such as forgetfulness, wandering, confusing, irritability, inability to manage money, etc. may also be accepted.
- G. Relocation Plan – Section 87582(e)
1. Licensee must have a written plan with specific dates on file
 2. Must contact the person responsible for the resident.
 3. Must contact the licensing agency.
- H. Pre-Admission Appraisal – Section 87583
1. Licensee must do a pre-appraisal for each resident prior to the resident's admission into the facility.
 2. The appraisal for each resident must be kept in the resident's file.
 3. Updated as the resident's needs change.
- I. Maintenance and Operation – Section 87691
1. Facility must have comfortable temperatures (a minimum of 68 degrees F. – heat; between 78 and 85 degrees F. – cool).
 2. Grab bars maintained for each toilet; bathtub and shower used by residents.
 3. Non-skid mats or strips in bathtubs and showers.
 4. Emergency lighting shall be maintained.

3-0510 VI RESIDENTIAL CARE FACILITIES FOR THE ELDERLY 3-0510
(Continued)

5. Appropriate signal system (if required).

6. Laundry service available.

J. Prohibited Conditions – Section 87701

1. Licensee cannot accept persons with active communicable tuberculosis.

2. Persons who require inpatient care in a health facility or skilled nursing facility.

3. Other conditions listed in this Regulation Section. (Review each condition with participants)

K. Allowable Conditions – Sections 87702 through 87715

1. Documentation of resident's allowable condition(s) must be on file.

2. Allowable if specified requirements are met (review requirements for each allowable condition).

3. Intermittent positive pressure breathing.

4. Colostomy/ileostomy.

5. Enema and/or suppository and fecal impaction removal.

6. Indwelling urinary catheter/catheter procedure.

7. Managed bowel and bladder incontinence.

8. Contractures.

9. Diabetes.

10. Injections.

11. Protective Supervision.

12. Healing wounds.

13. Transfer dependency.

3-0510 VI RESIDENTIAL CARE FACILITIES FOR THE ELDERLY 3-0510
(Continued)

14. PRN medications.
15. Oxygen administration.

3-0550 VII CHILD CARE CENTERS 3-0550

Refer to specific regulations, as indicated by section numbers, for more detailed child care center information.

A. Exemptions from Licensure – Section 101158 (a) (1-13)

1. Any health facility or clinic.
2. Any family child care home providing care for the children of only one family in addition to the operator's own children.
3. Any cooperative arrangement between parents.
4. Any arrangement for the receiving and care of children by a relative.
5. Any public recreation program.
6. Public and private sector schools that operate a program before and/or after school for school-age children.
7. Any school parenting program or adult education child care program that satisfies specific requirements.
8. Any child care program that operates only one day per week for no more than four hours on that one day.
9. A program facility administered by the Department of Corrections that satisfies specific requirements.

B. Director Qualifications – Section 101215.1

1. Three semester units in administration or staff relations and 12 semester units or equivalent quarter units in the areas of child growth and development, or human growth and development; child, family and community, or child and family; and program/curriculum; and four years of teaching experience; or

3-0550 VII CHILD CARE CENTERS (Continued)**3-0550**

2. An associate of arts degree with a major/emphasis in early childhood education or child development (three semester units in administration or staff relations) and two years of teaching experience; or
3. A bachelor's degree with a major/emphasis in early childhood education/child development (three semester units shall be in administration or staff relations) and at least one year of teaching experience; or
4. A current and valid Child Development Site Supervisor Permit or a Child Development Program Director Permit; and
5. At least 15 hours of training on preventive health practices.

C. Teacher Qualifications – Section 101216.1

1. A teacher shall have successfully completed, and passed, 12 semester or equivalent quarter units in early childhood education covering the same course areas as the center director; or
2. A teacher hired with six units of early childhood education shall complete, with passing grades, at least two semester or equivalent quarter units until the educational requirements are met; or
3. Shall have a current and valid Children's Center Permit.

D. Teacher Aide – Section 101216.2

1. A facility may hire a teacher's aide who is less than 18 years old providing he/she is a high school graduate or is currently participating in an occupation program.
2. An aide assisting a fully qualified teacher in the supervision of up to 18 preschool-age children shall have completed six semester units or quarter equivalent in early childhood education or child development, or complete at least two semester units/equivalent quarter units in early childhood education/child development each semester/quarter until six units have been completed. An aide who is 18 and who has completed six early childhood education units may escort and/or assist children in going to the bathroom, and may supervise napping children without being under the direct supervision of a teacher.
3. An aide shall work only under the direct supervision of a teacher.

3-0550 VII CHILD CARE CENTERS (Continued)**3-0550**

- E. Teacher/Child Ratio -- Section 101416.5 (infants); 101216.3 (preschool); 101216.4(i) (4, 5) (preschool with toddler component); 101516.5 (school age); 101216.3(c) (Title 5); 101216.5 (parent cooperatives).
1. Infants (birth to 24 months) – 1:4; with aide 1:12.
 2. Toddler (18 months – 30 months) – 1:6; with aide 1:12.
 3. Preschool (36 months to enrollment in kindergarten) – 1:12; with aide 1:15; with aide with six or more early childhood education units 1:18.
 4. Schoolage (kindergarten – 14 years of age) – 1:14; with aide 1:28.
 5. Parent Cooperatives – 1:5.

For Title 5 of California Code of Regulations (State-funded programs) child populations:

1. Infants (birth to 18 months) – 1:3 adult-child; 1:18 teacher-child.
 2. Toddlers (18 months to 36 months) – 1:4 adult-child; 1:16 teacher-child.
 3. Preschool (36 months to enrollment in kindergarten) – 1:8 adult-child; 1:24 teacher-child.
 4. Kindergarten through 14 years old – 1:14 adult-child; 1:28 teacher-child.
- F. Staffing for Water Activities – Section 101216.6
1. A ratio of not less than one adult, including teachers, to every six children.
 2. At least one adult present with a valid water safety certificate on file at the center.
- G. Immunization – Section 101220.1
1. All children not attending school must be immunized against disease prior to admission.
 2. Immunization records for each child not attending school must be maintained in the facility.

3-0550 VII CHILD CARE CENTERS (Continued)**3-0550****H. Sign In and Sign Out – Section 101229.1**

1. The licensee shall develop, maintain and implement a written procedure to sign in and sign out children, which shall include the full signature of the parent/authorized representative taking the child to and from the facility.
2. Sign in/out sheets will be maintained for one month and shall be available for review at the center by the licensing agency.

I. Napping Equipment -- Section 101239.1

1. The facility must have cots or ¾-inch foam, vinyl or similarly-covered mats for napping children.
2. Clean and sufficient bedding (clean sheet and blanket) shall be available for each napping child. Bedding shall not be shared by different children and shall be individually stored so that one child's bedding does not contact another's.
3. Sufficient space between each cot/mat must be provided as a safe walkway.

J. Outdoor/Indoor Activity Space --Sections 101238.2; 101238.3

1. There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. There shall be at least 35 square feet of indoor activity space per child.
2. The floors of all rooms shall be safe and clean.
3. The outdoor activity space shall provide a shaded rest area and permit children to reach the outdoor activity space safely.
4. The surface of the outdoor activity space shall be maintained in a safe condition and be free of hazards.

K. Areas around/under climbing equipment, swings, slides, etc. shall be cushioned with material that absorbs falls.**L. Sandboxes shall be inspected daily and kept free of hazards.****M. The playground shall be enclosed by a fence to protect children and shall be at least four feet high.**

3-0550 VII CHILD CARE CENTERS (Continued)**3-0550****N. Fixtures, Furniture, Equipment and Supplies – Section 101239**

1. The facility shall have one toilet and one handwashing fixture for every 15 children or fraction thereof. There shall be two urinals for each toilet counted.
2. There shall be one toilet and one handwashing fixture for use by ill children, staff, and for emergency use.
3. Common towels/washcloths are prohibited.
4. Age-appropriate toys/furniture/play equipment shall be safe and free of hazards.
5. All materials/surfaces accessible to children, including toys, shall be free of toxic substances.

3-0560 VIII INFANT CENTERS**3-0560****A. Infant Center Director Qualifications and Duties – Section 101415**

At least three of the required 15 units in early childhood education shall be related to the care of infants.

B. Assistant Infant Center Director Qualifications and Duties – Section 101415.1

The assistant infant center director shall be a fully qualified infant care teacher and shall have successfully completed (with passing grades) three semester or equivalent quarter units in administration or employee relations. The assistant infant center director may complete the three administration units required within one year following initial employment as assistant infant center director.

C. Infant Center Teacher Qualifications and Duties – Section 101416.2

1. A fully qualified infant care teacher shall have successfully completed 12 semester or equivalent quarter units in early childhood education/child development. At least three of the units shall be related to the care of infants.
2. A teacher may be hired with three units of early childhood education and three units related to the care of infants, as long as at least two units are successfully completed each semester or quarter until the full 12 units required have been successfully completed.

3-0560 VIII INFANT CENTERS (Continued)**3-0560**

3. Provide direct care/supervision to infants at the center.
4. Visually observe aides whenever aides are working with infants.

D. Infant Aide Qualifications and Duties -- Section 101416.3

1. An infant care aide shall work under the direct supervision of the director, the assistant director, or a fully qualified teacher.
2. Aides shall participate in on-the-job training and shall provide direct care and supervision to infants.

E. Staff-Infant Ratio – Section 101416.5

1. One teacher to every four infants (1:4).
2. When engaged in activities away from the center, there shall be a minimum of one adult to every two infants. Parents/authorized representatives or adults may supplement the staff-infant ratio.
3. The director and assistant director may be counted in the staff-infant ratio when actually working with infants.
4. An aide over 18 who has completed six units in early childhood education/child development may visually observe 12 sleeping infants if the remaining center staff are immediately available at the center.

F. Staffing for Infant Water Activities – Section 101416.8

1. A ratio of one adult to two infants shall be maintained during activities in or near any body of water.
2. A ratio of one staff member to every four infants shall be maintained during activities in or near any container of water that a child can get into and get out of unassisted, such as wading pools, basins, or water trays. Authorized representatives/adult volunteers may be included to supplement the staff-infant ratio.

G. Toddler Component in an Infant Center – Section 101417

1. A toddler component serves children between the ages of 18 months and 30 months.

3-0560 VIII INFANT CENTERS (Continued)**3-0560**

2. No child shall be placed in the toddler program before the age of 18 months.
3. A ratio of six children to each teacher shall be maintained. An aide participating in on-the-job training may be substituted for a teacher when directly supervised by a fully qualified teacher.
4. The maximum group size with two teachers (or one fully qualified teacher and one aide) shall not exceed 12 toddlers.
5. The toddler program shall be conducted in areas physically separate from those used by older or younger children, unless a planned activity is being conducted.

H. Infant Needs and Services Plan – Section 101419.2

1. The center director or assistant director shall complete a needs and services plan for each infant, with the assistance of the infant's authorized representative.
2. The needs and services plan shall be in writing and include the individual feeding plan for each infant; the individual toilet-training plan, if applicable; and any services needed by the infant (such as exercises for infants with physical disabilities).
3. The authorized representative shall be provided with a copy of the plan and any subsequent updates.

I. Infant Care Discipline – Section 101423.1

Confinement to cribs, high chairs, playpens or other similar furniture/equipment shall not be permitted as a form of discipline or punishment.

J. Infant Care Transportation – Section 101425

1. Only licensed drivers' 18 years old or older may transport infants.
2. Infant transportation vehicles shall contain a first-aid kit.
3. When transporting infants, the licensee shall secure each infant in a child passenger restraint system, i.e., a car seat designed for an infant – in accordance with the manufacturer's instructions.

3-0560 VIII INFANT CENTERS (Continued)**3-0560**

4. The staff-infant ratio shall be maintained while transporting infants.
5. Infants in motor vehicles shall have constant adult supervision and not be left unattended under any circumstances.

K. Infant Care Isolation for Illness – Section 101426.2

1. The isolation area shall be equipped with a crib, cot, mat or playpen for each ill infant.
2. Any infant in the isolation area shall be under constant visual observation by qualified staff.

L. Infant Care Food Service – Section 101427

1. There shall be an individual feeding plan for each infant available for use prior to the infant's first day at the center.
2. The director/assistant director and the infant's authorized representative shall develop the plan and the authorized representative shall sign the plan.
3. The plan shall include information such as special diet needs, feeding schedule, type of formula, food consistency, food likes/dislikes, etc.
4. High chairs or other appropriate seating equipment shall be used to seat infants during feeding; infants unable to sit unassisted in a high chair shall be held by a staff person or other adult for feeding.
5. The infant care center shall not serve honey or corn syrup to any infant.
6. Infants shall not be bathed in, and diapers/clothing shall not be rinsed in, the food preparation area.

M. Infant Care Personal Services – Section 101428

1. There shall be a written toilet-training plan for infants being toilet trained.
2. The infant shall be kept clean and dry at all times.
3. Soiled/wet clothing or cloth diapers provided by the infant's authorized representative shall be placed in an airtight container and returned to the authorized representative at the end of each day.

3-0560 VIII INFANT CENTERS (Continued)**3-0560****N. Responsibility for Providing Care and Supervision for Infants – Section 101429**

Each infant shall be constantly supervised and under direct visual observation/supervision by staff. Under no circumstances shall ANY infant be left unattended.

O. Infant Care Activities – Section 101430

1. The infant care center shall develop, maintain and implement a written plan to ensure the provision of indoor/outdoor activities to meet the needs of infants.
2. All infants shall be given the opportunity to nap/sleep, without distraction or disturbances from other activities at the center, whenever the infant desires.

P. Infant Care General Sanitation – Section 101438.1

1. All items used by pets/animals shall be kept out of the reach of infants.
2. Each caregiver shall wash his/her hands with soap and water before each feeding and after each diaper change. Only dispenser soap – in an appropriate dispenser -- shall be used; only disposable paper towels – in an appropriate dispenser -- shall be used for hand drying.
3. Floors not carpeted shall be vacuumed or swept and mopped with a disinfecting solution at least daily.
4. Carpeted floors shall be vacuumed at least daily and cleaned at least every six months.
5. The diaper-changing area shall be washed and disinfected after each diaper change.
6. Sinks used to wash infants or to rinse soiled clothing/diapers shall be disinfected after each use.
7. Mouthed objects (such as toys and blankets) that are used by infants shall be washed and disinfected at least daily.
8. Linens laundered by the center (such as bedding, towels, washcloths used by infants) shall be washed and sanitized at least daily.

3-0560 VIII INFANT CENTERS (Continued)**3-0560**

9. A disinfecting solution shall be used after surfaces and objects have been cleaned with a detergent or other cleaner.
 10. All disinfectants, cleaning solutions and other hazardous materials shall be removed immediately and properly stored.
- Q. Outdoor Activity Space for Infants – Section 101438.2
1. Outdoor activity space shall be physically separate from space used by older children in other center components.
 2. Placement of playpens shall not create hazards to other infants or adults in the play area.
 3. The outdoor activity space shall be equipped with a variety of age-appropriate toys and equipment that are safe and free of hazards.
- R. Indoor Activity Space for Infants – Section 101438.3
1. Indoor activity space shall be physically separate from space used by older children in other center components.
 2. The various child care center components in a combination center may share office space, food preparation space, storage space, etc.
 3. The indoor activity space shall be equipped with a variety of age-appropriate washable toys and equipment.
 4. Four-foot high movable walls/partitions are permitted.
- S. Infant Center Fixtures, Furniture, Equipment and Supplies – Section 101439
1. The infant care center shall be equipped with appropriate furniture, toys and equipment that shall be age-appropriate in type, height and size and maintained in good repair and safe condition.
 2. Baby walkers shall not be allowed on the premises.
 3. High chairs or low-wheeled feeding tables and any such equipment used for seating an infant shall have broad-based legs and be clean and safe.
 4. Stacking cribs are not permitted.

3-0560 VIII INFANT CENTERS (Continued)**3-0560**

5. Changing tables shall have a padded surface no less than 1-inch thick, covered with washable vinyl or plastic.
 6. Fixtures, furniture, equipment, supplies and toys shall not be made of or contain toxic materials or substances.
- T. Infant Center Napping Equipment – Section 101439.1
1. A standard size six-year crib or porta-crib shall be provided for each infant who is unable to climb out of a crib.
 2. Stacking wall cribs or cribs stacked one on top of another, often referred to as tiered cribs, shall not be permitted.
 3. Crib mattresses shall be covered with vinyl or similar moisture-resistant material and maintained in safe, clean condition.
 4. Each crib shall have a sheet to cover the mattress and, depending on the temperature, a sheet and/or blanket to cover the infant.
 5. Each infant's bedding shall be used for him/her only. Bedding shall be replaced when wet or soiled and shall be changed daily, or more often if wet/soiled.
 6. Cribs, mats or cots shall be arranged so as to provide a walkway between them sufficient to permit staff to reach each infant without having to step over or reach over any other infant.

3-0570 IX SCHOOL-AGE CENTERS**3-0570**

- A. School-age Child Care Center Director Qualifications and Duties – Section 101515
1. When the school-age child care center is part of a combination center, a separate director for the school-age center component is not required. The director of the child care center component within the combination program shall maintain administrative responsibility for the overall program.
 2. A school-age director may substitute six of the units in early childhood education or child development with six units appropriate to elementary school-age children on a unit-per-unit basis in recreation, physical education, or units earned toward an elementary teaching credential.

3-0570 IX SCHOOL-AGE CENTERS (Continued)**3-0570**

3. The director of a school-age child care center that stands alone may substitute 20 training hours for each of the required units of education (this shall not apply to a director of a combination program that includes a school-age component). Units and training hours may be combined to meet the total education requirement.
4. A director may use alternative approved sources of education, such as vocational school training in recreation, physical education, human services, and social welfare.
5. A director is required to complete 12 units or 240 training hours prior to employment and the remaining three units (or 60 training hours) must be completed within one year of employment.
6. A director may complete alternative types of experience, which shall have been performed for at least three hours per day for a minimum of 100 days in a calendar year.

B. School-age Child Care Center Teacher Qualifications and Duties – Section 101516.2

1. A school-age child care teacher may substitute 20 training hours for each of the required units of education. Units and training hours may be combined to meet the total educational requirement (12 units or 240 training hours, or any combination thereof).
2. A teacher may substitute 12 units or 240 training hours in any combination of recreation, physical education, human services and social welfare (nursing, psychology, sociology or home economics). A teacher is required to complete six units or 120 training hours prior to employment.
3. School-age teachers may use alternative sources of education.
4. A school-age child care center teacher may also complete alternative types of experience of at least three hours per day for a minimum of 50 days in a six-month period.

C. School-age Teacher-Child Ratio – Section 101516.5

1. There shall be a staffing ratio of one teacher and one aide present to every 28 children in attendance. A teacher shall supervise no more than 14 children.

3-0570 IX SCHOOL-AGE CENTERS (Continued)**3-0570**

2. Staffing requirements for mixed-age groups shall be determined based on the age of the youngest child in the group.

D. Medical Assessments – Section 101520

The licensee is not required to document medical assessments on school-age children who are enrolled in a public or a private school.

E. Immunizations – Section 101520.1

The licensee is not required to document immunizations of children also enrolled in a public or private elementary school.

F. Child's Records – Section 101521

The licensee shall obtain from the child's authorized representative a health background related to the child's ability/inability to participate in center activities and should include information about:

1. Past illnesses or serious injuries.
2. Allergies, including food allergies.
3. Conditions requiring special attention.
4. Special problems or fears.

G. Daily Inspection for Illness – Section 10526.1

Upon arrival at or admittance to the center, school-age children shall be observed for signs of illness.

H. Food Service – Section 101527

Center programs providing before- and/or after-school care shall make available and offer nutritious snacks to children.

I. Sign In and Sign Out – Section 101529.1

1. Center staff shall sign in a school-age child who arrives at the center on his/her own and staff shall sign out a school-age child whose authorized representative has agreed in writing to allow the child to leave the center on his/her own.

3-0570 IX SCHOOL-AGE CENTERS (Continued)**3-0570**

2. The director and the child's authorized representative shall sign and date the agreement allowing the child to leave the center on his/her own.

J. Outdoor Activity Space for School-age Children – Section 101538.2

1. In combination programs, outdoor activity space for school-age children shall be physically separated from space provided for other child care center children.
2. School grounds used by a school-age child care program operated on a functioning school site shall, under certain conditions, be exempt from fencing, outdoor activity space, toilet, and isolation space requirements.

K. Indoor Activity Space for School-age Children – Section 101538.3

Indoor activity space shall be physically separated from space provided for infant care and child care center children.

L. Fixtures, Furniture, Equipment and Supplies – Section 101539

1. Toilets shall provide individual privacy and shall not be used simultaneously by children of both sexes.
2. Some school-age programs may be exempt from meeting toilet, fencing and outdoor activity space requirements.

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN**3-0580**

A. Center for Mildly Ill Children – Definitions – Section 101552

1. A mildly ill child is one who would otherwise be cared for by his/her authorized representative or a person without a medical background and who needs nonmedical care.
2. A Level I Child Care Center for Mildly Ill Children serves well children and only accepts mildly ill children who normally attend the center's component for well children.
3. A Level II Child Care Center for Mildly Ill Children can be either a free-standing center that serves only mildly ill children or it can be a component of a center that serves well children.

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN 3-0580
(Continued)**B. Center for Mildly Ill Children – Limitations on Capacity and Ambulatory Status – Section 101561**

1. Rooms designated for use by mildly ill children shall not be used by children or staff from any other center component unless the room is not being used by mildly ill children.
2. To prevent the spread of illnesses in a combination center, children who begin their day in the Level I or Level II component shall not transfer into any other component for that day unless such a move is approved by qualified staff and unless sanitation procedures are followed.
3. Child care centers for mildly ill children shall be issued a separate license, even when it is a component of a licensed combination child care center.

C. Center for Mildly Ill Children – Issuance of a License – Section 101582

Child care centers for mildly ill children shall be issued a separate license.

D. Center for Mildly Ill Children – Director Qualifications and Duties – Section 101615

1. In addition to the requirements for a child care director of a child care center, three units in the identification, transmission, control and care of common childhood illnesses and communicable diseases and 15 hours of health and safety training, including pediatric cardiopulmonary resuscitation and pediatric first aid.
2. When a physician, physician's assistant, registered nurse and/or licensed vocational nurse wish to qualify as a director in a Level I or Level II child care center for mildly ill children, they shall possess a current and active license issued by the appropriate State of California licensing board. They shall also complete at least six units in early childhood education/child development and have a minimum of one-year experience in pediatric health care obtained within the last five years.
3. A separate director is not required for the Level I or Level II component in a combination center.
4. The director of a child care center for mildly ill children shall develop and implement a written training plan for the center's staff and volunteers.

3-0580 X. CHILD CARE CENTERS FOR MILDLY ILL CHILDREN 3-0580
(Continued)

- E. Center for Mildly Ill Children – Teacher Qualifications and Duties – Section 101616.2
1. Prior to employment, a teacher shall have successfully completed three units in early childhood education or child development and three units in the identification, transmission, control and care of common childhood illnesses and communicable diseases.
 2. After employment, a teacher shall complete at least three units each semester or quarter until a total of 12 semester or equivalent quarter units in early childhood education or child development is completed.
 3. A fully qualified teacher shall have successfully completed 12 semester or equivalent quarter units in early childhood education or child development and three units in the identification, transmission, control and care of common childhood illnesses and communicable diseases, and at least fifteen hours of preventive health practices (including pediatric cardiopulmonary resuscitation and pediatric first aid).
- F. Center for Mildly Ill Children – Personnel Requirements – Section 101616.3
1. Within two weeks of a staff/volunteer beginning work at a center, staff/volunteers shall complete at least 20 hours of training on the practices and procedures of a child care center for mildly ill children.
 2. At least one staff trained in pediatric first aid and pediatric cardiopulmonary resuscitation shall be on site at all times when children are present.
- G. Center for Mildly Ill Children – Teacher-Child Ratios – Section 101616.5
1. One teacher to every three infants in attendance. An aide with six early childhood education or child development semester or equivalent quarter units may be substituted for a teacher when a fully qualified teacher is directly caring for no more than three infants and has overall responsibility for no more than 12 infants (with the assistance of three aides). Each aide is responsible for no more than three infants.

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN
(Continued)**3-0580**

2. One teacher to every six preschool-age children. An aide with six early childhood education or child development semester or equivalent quarter units may be substituted for a teacher when a fully qualified teacher is directly caring for/supervising no more than six preschool-age children and has overall responsibility for no more than 12 preschool-age children (with the assistance of one aide). The aide may not care for more than six preschool-age children.
3. One teacher to every eight school-age children. An aide may be substituted for a teacher when a fully qualified teacher is directly caring for no more than eight school-age children and has overall responsibility of no more than 16 school-age children (with the assistance of one aide). The aide may not care for more than eight school-age children.
4. The ratios in numbers 1-4, above, shall also apply to napping infants, preschool-age children and school-age children except that: one teacher may supervise six napping infants, or 12 napping preschool-age children, or 16 napping school-age children without assistance when remaining staff are immediately available at the center.

H. Center for Mildly Ill Children – Staffing for Water Activities – Section 101616.8

Water activities shall not be permitted in a child care center for mildly ill children.

I. Center for Mildly Ill Children – Admission Policies – Section 101619

In addition to all other required information in the admission policies, information regarding the conditions/symptoms/illnesses for which children will and will not be accepted for care must be clearly documented.

J. Center for Mildly Ill Children – Medical Assessments – Section 101620

A written medical assessment, performed by a physician or other health professional, is required if a qualified staff person determines that one is necessary based on the nature of the child's symptoms and/or illness.

K. Center for Mildly Ill Children – Child's Records – Section 101621

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN
(Continued)**3-0580**

Each child shall have (in addition to the information required in Section 101221) a copy of a written medical assessment, when one is required.

L. Center for Mildly Ill Children – Health-Related Services – Section 101626

1. A child's authorized representative shall remove a child from the facility when his/her illness/injury worsens to the point that it exceeds the level of care available.
2. A written plan of care shall be developed for each child and updated daily.

M. Center for Mildly ill Children – Daily Inspection for Illness – Section 101626.1

1. Each child shall have a daily inspection for illness to determine if the child is appropriate for placement in the center.
2. A Level I or II center may accept an ill child if a written health clearance stating that the child is not contagious has been obtained.
3. An ill child shall be provided care in a room that is physically separate from other ill children.

N. Center for Mildly Ill Children – Isolation for Illness – Section 101626.2

1. A center shall be equipped with an isolation area to care for ill children that is physically separate from the indoor activity area and shall afford easy observation of children requiring isolation.
2. Children in the isolation area shall be under constant observation of a teacher who is present in the isolation area.

O. Center for Mildly Ill Children – Observation of the Child – Section 101626.3

1. Changes in the child's behavior or signs of the child's illness worsening shall be reported to the child's authorized representative.
2. Staff shall record observations.

P. Center for Mildly Ill Children – Food Service – Section 101627

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN 3-0580
(Continued)

For mildly ill infants, individual meals/snacks shall be prepared according to the infant's admission agreement, feeding plan and plan of care.

Q. Center for Mildly Ill Children – Personal Services – Section 101628

1. Only disposable diapers shall be used unless cloth diapers are specified in the infant's/child's plan of care.
2. Soiled or wet clothing shall not be rinsed in a sink.

R. Center for Mildly Ill Children – Sign In and Sign Out –Section 101629.1

The licensee shall require each child's authorized representative to sign the child in and out.

S. Center for Mildly Ill Children – Activities – Section 101630

1. The licensee shall develop, maintain and implement a written plan to ensure the provision of indoor and outdoor activities designed to meet the needs of mildly ill children.
2. Each child shall be given the opportunity to nap/sleep whenever he/she wishes without being disturbed by other activities at the center.
3. No child shall be forced to sleep, stay awake, or stay in the napping area.

T. Center for Mildly Ill Children – General Sanitation – Section 101638.1

1. Children shall not have access to items used by pets and animals.
2. Staff/children shall wash their hands at appropriate times.
3. Floors, walls, diaper-changing areas and sinks shall be cleaned and disinfected as needed.
4. Objects used by children shall be washed and disinfected at least daily (i.e., toys and blankets).
5. Linens shall be washed and sanitized at least daily.
6. A disinfecting solution shall be used after surfaces and objects have been cleaned with a detergent or other cleaner.

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN 3-0580
(Continued)

7. All disinfectants, cleaning solutions, poisons and other hazardous materials shall be stored appropriately.

U. Center for Mildly Ill Children – Outdoor Activity Space – Section 101638.2

1. There shall be at least 20 square feet of outdoor activity space per child.
2. Outdoor activity space for mildly ill children shall be physically separate from outdoor activity space for well children.

V. Center for Mildly Ill Children – Indoor Activity Space – Section 101638.3

1. Indoor activity space shall be physically separate from indoor activity space for any other child care center component.
2. In designated napping areas, there shall be at least 15 square feet of indoor space for each child's bed, cot, floor mat or couch, and for each infant's crib, cot or floor mat.
3. Napping equipment, unless separated by screens, shall be placed at least three feet apart when in use.
4. The designated napping area shall be separate from the indoor activity area.

W. Center for Mildly Ill Children – Fixtures, Furniture, Equipment and Supplies – Section 101639

1. All fixtures, furniture, equipment and supplies designated for use in caring for mildly ill children, or for use by mildly ill children, shall not be used by any other child care center component.
2. Beds, cots, floor mats or couches, as well as blankets and pillows, shall be available for mildly ill children.
3. Cribs, cots or floor mats, as well as blankets, shall be available for infants.
4. Mildly ill infants shall not have access to pillows.
5. The total licensed capacity of a center shall not exceed ten mildly ill children for every toilet and handwashing sink.

3-0580 X CHILD CARE CENTERS FOR MILDLY ILL CHILDREN 3-0580
(Continued)

6. Toilets used by mildly ill children shall provide for individual privacy.

X. Center for Mildly Ill Children – Napping Equipment – Section 101639.1

Napping equipment designated for use in caring for mildly ill children, or for use by mildly ill children, shall not be shared with or used by any other child care center component.

Y. Center for Mildly Ill Children – Drinking Water – Section 101639.2

1. Each child shall use a cup or bottle labeled with his/her name, or a single-use disposable cup.
2. Drinking water from a noncontaminating fixture or container shall be readily available to children both indoors and outdoors.
3. Each child shall be free to drink water as he/she wishes unless it is not appropriate because of the nature of the child's illness.

3-0600 XI GROUP HOMES 3-0600

A. Administrator's Qualifications – Section 84064

1. For a capacity of 1 to 12, the administrator must have a master's degree in behavioral science and one year of experience as a social worker; or bachelor's degree and one year of administrative or supervisory experience; or two years of college and two years of administrative or supervisory experience; or completed high school and three years of administrative or supervisory experience.
2. For a capacity of 13 or more, the administrator must have a master's degree in behavioral science and one year administrative or supervisory experience; or Master's degree in behavioral sciences and two years of employment as a social worker; or Bachelors of Arts degree and three years administrative or supervisory experience; or two years of college and five years administrative or supervisory experience.
3. Effective January 1, 2000, all group homes shall have a certified administrator. The administrators shall have a certified administrator. The administrators shall have a Department issued certificate verifying completion of the initial 40-hour Group Home Certification Training Program, provided by an approved vendor.

3-0600 XI GROUP HOMES (Continued)**3-0600****B. Personnel Requirements – Section 84065**

1. The licensee must hire one or more facility manager(s) who will be at the facility at all times when one or more children are present.
2. Facility must have at least one monthly consultation with a licensed psychiatrist, clinical psychologist or clinical social worker if serving children diagnosed as mentally ill.
3. Facility must have at least one monthly consultation from a qualified mental retardation professional if serving children diagnosed as developmentally disabled.
4. Must hire qualified social work staff to perform specific duties pertaining to the needs and services plan of each child in the facility.
5. Must hire or designate one staff person to have primary responsibility for planned activities for children served if licensed for 13 or more. NOTE: Section 84079 requires an activity plan for all group homes.
6. Facility must have a written plan for the job training and development, supervision and evaluation of all child care staff.
 - a. During the first year of hire, new direct care staff shall have eight hours of training prior to being responsible for residents, 16 additional hours within 90 calendar days of hire, and 16 hours of Annual Training.
 - b. After the first year of hire, direct care staff shall have 20 hours of Annual Training.
 - c. The above training is in addition to first aid Emergency Intervention Training.

C. Staff/Child Ratio – Section 84065.5

1. From 7 a.m. to 10 p.m., there must be one on-duty child care staff person to each ten children, or fraction thereof, present.
2. The number of child care staff shall be increased for those children who require special care such as children that are mentally disordered, developmentally disabled or physically handicapped.

3-0600 XI GROUP HOMES (Continued)**3-0600****D. Night Supervision – Section 84065.7**

1. For 12 or less children, one staff person from 10 p.m. to 7 a.m.
2. For 13 to 30 children, one staff person awake and on duty from 10 p.m. to 7 a.m. and one person on call and capable of responding within 30 minutes.
3. For 31 children or more one child care staff person awake and on duty from 10 p.m. to 7 a.m. for the first 30 children; and one staff person awake and on duty for each additional 30 children or fraction of that amount.
4. In facilities required to have a signal system, at least one staff person shall be responsible for responding.

E. Resident Councils – Section 84080

1. A resident council shall be established at the request of the majority of the residents.
2. Notice of meetings will be posted or residents will be informed and encouraged to attend these meetings if they are unable to read the posted notice.

F. Fixtures, Furniture, Equipment and Supplies – Section 84088

1. Facilities may not have more than two children per bedroom.
2. One toilet and washbasin for each six persons in the facility, including children and personnel.
3. Individual privacy shall be provided in all toilet, bath and shower areas.
4. A signal system is required in facilities with a capacity of 31 children or more, in facilities with separate floors or buildings and not providing full-time staff on each floor and in facilities having separate buildings and not providing full-time staff in each building when children are present.

3-0650**XI ADULT RESIDENTIAL CARE FACILITIES****3-0650****A. Administrator's Qualifications – Section 85064**

1. The administrator must be certified. All designated administrators are required to complete the initial 35-hour adult residential facility training and certification process and to renew their certification every two years.
2. Be at least 21 years of age.
3. For a capacity of one to six, the administrator must have knowledge of the requirements for providing care and supervision to adult clients and the ability to comply with all licensing regulations.
4. For a capacity of 7–15, the administrator must have one year of work experience in residential care.
5. For a capacity of 16 to 49, the administrator must be a high school graduate or GED and completed 15 units of college education or continuing education related to nutrition, human behavior, administration of staff relations or one year work experience in residential care.
6. For a capacity of 40 or more, the administrator must be a high school graduate or GED and completed 60 units of college education or continuing education in which six of the units are in administration or staff relations, or three years work experience in residential care.

B. Personnel Requirements – Section 85065

1. All direct services to clients requiring specialized skills shall be performed by personnel who are licensed or certified to perform such services, i.e. physical therapists, psychiatrists, nurse practitioners.
2. Licensee must hire sufficient staff to meet the needs of the clients.
3. In facilities of 50 or more clients which provide three meals per day, one staff person shall be designated to have full time responsibility for the operation of the food service program and shall possess one year of experience in food preparation and services accommodating 50 or more persons or two years of experience in food preparation and services accommodating 16 to 49 persons.

3-0650 XI ADULT RESIDENTIAL CARE FACILITIES (Continued)**3-0650****C. Night Supervision – Section 85065.6**

1. In a facility with 15 or fewer clients, there must be at least one person on call on the premises.
2. In a facility with 16 to 100 clients, there must be one staff person on duty, awake and on the premises.
3. In a facility with 101 to 200 clients, there must be one staff person on duty, awake and on the premises; one person on call and on the premises; and another person shall be on call and capable of responding within 30 minutes.
4. In facilities required to have a signal system, at least one staff person shall be responsible for responding.

D. Needs and Services Plan – Section 85068.2

1. Facilities shall develop and maintain an individual Needs and Services Plan for each client.

E. Acceptance and Retention Limitations – Section 85068.5

1. Compatibility of clients must be maintained. Clients who have needs which are in conflict with other clients or the program of services offered must be physically separated or not accepted or retained in the facility.

F. Observation of Clients – Section 87075.3

1. Regular observation of each client for changes in physical, mental, emotional and social functioning shall be required.

G. Resident Council – Section 85080

1. Allow formation of a resident council to permit free exchange of ideas and whenever necessary make recommendations to the facility administrators to improve the quality of daily living in the facility.
2. Meeting will be posted or residents shall be informed of these meetings if they are unable to read.

3-0650 XI ADULT RESIDENTIAL CARE FACILITIES (Continued)**3-0650****H. Fixture, Furniture, Equipment and Supplies – Section 85088**

1. Facility must have one toilet and sink for every six persons.
2. Facility must have one bathtub or shower for every ten persons.
3. There shall be no more than two residents per bedroom.
4. Each resident must have a bed, a chair, a minimum of two-drawer space for clothing and personal belongings, a nightstand, and a lamp or lights necessary for reading.
5. Night lights are required in hallways and passages to non-private bathrooms.
6. A signal system must be maintained in a facility of 16 or more and a facility with separate floors or separate buildings.

A. Licensee Duties and Responsibilities – Section 83064

1. Licensee must be regularly present in the home when children are in the home full time.
2. Licensee shall be responsible for planned activities, care and supervision of children, handling emergencies, medical care, etc.

B. Personnel Requirements – Section 83065

1. Licensee shall provide for additional household help if necessary to meet the needs of the children.
2. Licensee shall be permitted to use volunteers under certain conditions.
3. All adults regularly in the home must be in good health, including a TB test.

C. Needs and Services Plan – Section 83068.2

1. At time of placement, the licensee must obtain a written needs and services plan for each child.
2. This needs and services plan must be updated at least annually or as frequently as necessary to ensure the needs of the child are met.

3-0650 XI ADULT RESIDENTIAL CARE FACILITIES (Continued)**3-0650****D. Building and Grounds – Section 83087**

1. No more than two children per bedroom.
2. Children of the opposite sex, unless under five years old, shall not share a room.
3. A licensee who accepts a child with a disability shall make necessary alterations and provisions as required to protect and meet the needs of the child.

E. Fixtures, Furniture, Equipment and Supplies – Section 83088

1. The facility must have one operating toilet, sink and tub or shower available in the home.
2. Additional equipment, aids, grab bars shall be provided for children with disabilities or who may need such items.
3. Bunk beds of more than two tiers are not permitted.
4. Fireplace must be made inaccessible.

F. Level of Care

1. Handout and review the “Interim Guide to the Evaluation of small family homes Caring for Children with Special Health Care Needs.”

3-0800 XIII ADULT DAY CARE**3-0800****A. Administrator Qualifications – Section 82064**

1. In facilities with a capacity of 1–6, the administrator shall have knowledge of the requirements for providing care and supervision to adult clients and the ability to comply with all licensing requirements.

3-0800 XIII ADULT DAY CARE (Continued)**3-0800**

2. For facilities with a capacity of seven or more, the administrator must be a high school graduate or pass the GED and have at least two years of experience or training in a licensed day care facility for adults.
 3. A licensee of two or more adult day care facilities shall be permitted to serve as an administrator of one or more of the facilities.
- B. Personnel Requirements – Section 82065
1. The licensee shall hire a sufficient number of direct and support staff.
 2. Staff/client ratio must be at least one adult to every 15 clients.
- C. Fixture, Furniture, Equipment and Supplies – Section 82088
1. Facility must have at least one toilet and sink for every 15 clients.

3-0850 XIV ADULT DAY SUPPORT CENTER**3-0850**

- A. Administrator Qualifications – Section 82564
1. The administrator shall have a bachelor's degree in psychology, social work or a related human services field and a minimum of one year of experience in the management of a human services delivery system; or three years experience in a human services delivery system including one year in a management or supervisory position and two years experience in a training program.
 2. If the administrator is responsible for two or more social day care facilities, there shall be at each site an employee who possess a BA degree in psychology, social work or a related human services field; or one year of experience in a supervisory or management position in the human services delivery system.
 3. If the administrator is absent from the facility, there shall be coverage by a substitute designated by the licensee, who meets the qualifications of Section 80065.
- B. Personnel Requirements – Section 82565.1
1. Licensee shall have sufficient number of direct care and support staff to meet the needs of the clients.
 2. Staff/client ratio must be at least one adult to every eight clients.

3-0850 XIV ADULT DAY SUPPORT CENTER (Continued)**3-0850****C. Needs and Services Plan – Section 82568.2**

1. A written individual needs and services plan shall be developed and maintained for each client prior to admission.

D. Personal Services – Section 82577

1. Psychosocial support services shall be available to each client.
2. Information and referral services shall be available to the clients and their families.
3. Clients who are incontinent shall be taken to the toilet every two hours or as scheduled in the individual plan of care.

E. Fixtures, Furniture, Equipment and Supplies – Section 82588

1. Facility must have at least one toilet and sink for every 15 clients.

3-0900 XV OTHER AREAS TO BE COVERED**3-0900****A. Eviction Notice**

1. Evictions are not permitted based solely on client problem behaviors.
2. At least 30 days must be given to the client/authorized representative.
3. May only evict clients in three days, with approval of licensing agency, only if client/resident poses a threat to himself/herself or others.

B. Personal and Incidental Funds

1. Licensee must be bonded if handling clients cash resources of \$50 or more per client or more than \$500 for all clients in the facility.
2. Licensee's abuse of client/resident funds is grounds for revocation.
3. Records of clients cash resources and personal property must be maintained and available to the licensing agency.
4. Refer to Appendix D of the Evaluator Manual which is the Guide to Safeguarding Resident/Client Cash Resources.

3-0900 XV OTHER AREAS TO BE COVERED (Continued)**3-0900****C. Transfer of Fingerprints**

1. An individual shall be permitted to transfer a current fingerprint clearance from one facility to another providing the fingerprint clearance has been processed through a state licensing Regional Office and the transfer is to another state licensing Regional Office.
2. Request must be made in writing by licensee.
3. Handout Fingerprint Transfer Request.

D. Exceptions/Waivers

1. Use of alternative concepts, programs, services, procedures, techniques, equipment, space, personnel qualification or staffing ratios may be considered, provided there is no health and safety risk to clients/residents in care.
2. Must be a written request.
3. Must be approved by the licensing agency prior to implementation.
4. Will be evaluated on a case-by-case basis.

E. Abuse Reporting

1. Signed statements required for employees.
2. Review specific requirements for children, adults and elderly.
3. Review required forms for specific client group.

3-0950 XVI COMPONENT III HANDOUTS**3-0950**

There are certain forms and/or documents the applicant/licensee will be required to complete and maintain at the facility for all clients/residents and personnel. To assist the applicant, the following forms/documents will be handed out at Component III. These forms are divided into several categories.

The first category contains handouts to be distributed to all applicants attending a child care facility, residential care, group home or residential care facility for the elderly orientation.

3-0950 XVI COMPONENT III HANDOUTS (Continued)**3-0950****ALL FACILITY CATEGORIES:**

- LIC 198A Child Abuse Index Check (for children facilities only)
- LIC 306 Reporting Requirements to Dept. of Social Services
- LIC 308 Designation of Administrative Responsibility
- LIC 500 Personnel Report
- LIC 501 Personnel Record
- LIC 503 Health Screening Report (TB Clearance)
- LIC 508 Criminal Record Statement
- LIC 613 Personal Rights
- LIC 624 Unusual Incident/Injury/Death Report
- LIC 627 Consent for Medical Treatment
- LIC 9058 Provider/Licensee Rights
- LIC 9182 Criminal Background Clearance Transfer Request
- LIC 9188 Criminal Record Exemption Transfer Request
- Appendix D A Guide to Handling Client/Resident Cash Resources

In addition to the forms for all facility categories, the following forms are to be handed out to applicants of a child care center.

CHILD CARE CENTERS

- LIC 813C Forms Request – Child Care Programs
- LIC 311A Records to be Maintained in a Child Care Center
- LIC 700 Identification and Emergency Information
- LIC 701 Physician's Report
- LIC 702 Child's Preadmission Health History
- LIC 995 Notification of Parent's Rights
- LIC 9040 Child Care Facility Roster
- LIC 9052 Notice of Employee Rights
- SS 8572 Suspected Child Abuse Report
- LIC 9108 Statement Acknowledging Requirement to Report Suspected Child Abuse

The following additional forms are to be handed out to applicants for child care programs, adult facilities, residential care facilities for the elderly and children's residential programs.

3-0950 XVI COMPONENT III HANDOUTS (Continued)**3-0950****ADULT RESIDENTIAL/RESIDENTIAL CARE FACILITY FOR THE ELDERLY**

- LIC 813A Forms Request – Adult Facilities
- LIC 311C Records to be Maintained at an Adult Residential Facility
- LIC 313 Evidence of Program Consultant
- LIC 405 Records of Client/Residents Safeguard Cash Resources
- LIC 601 Identification and Emergency Information
- LIC 602 Physician's Report
- LIC 603 Preplacement Appraisal Information
- LIC 621 Client Personal Property and Valuables
- LIC 622 Centrally Stored Medication and Destruction Record
- LIC 625 Appraisal/Needs and Services Plan
- LIC 313 Evidence of Program Consultant (ARF & RCFE)
- SOC 341(a) Statement Acknowledging Requirement to Report
Suspected Physical Abuse of Dependent Adults
- Neighborhood Complaint Policy and Procedures (for facilities with a capacity of six or less)
- SOC 341 Report of Suspected Dependents Adults/Elder Abuse

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY ONLY

- LIC 183B Forms Request – Residential Care Facility for the Elderly
- LIC 311F Records to be Maintained for RCFE
- LIC 9027 Resident's Health Status – Summary
- LIC 9059 Personal Property Procedures for RCFE
- LIC 9060 Resident Theft and Lost Record (RCFE)
- Appendix D A Guide to Handling Client/Resident Cash Resources

The following additional forms are to be handed out for the applicable Childrens Residential Facility:

CHILDREN RESIDENTIAL (GROUP HOMES AND SMALL FAMILY HOMES)

- LIC 183 Forms Request – Children's Residential Programs
- LIC 311B Records to be Maintained in a Group Home
- LIC 311E Records to be Maintained in a Small Family Home
- LIC 313 Evidence of Program Consultant (Group Homes)
- LIC 601 Identification and Emergency Information
- LIC 602 Physician's Report
- LIC 603 Preplacement Appraisal Information
- LIC 622 Centrally Stored Medication and Destruction Record
- LIC 625 Appraisal/Needs and Services Plan
- Neighborhood Complaint Policy and Procedures (for Group Homes with a capacity of six or less)

3-0950 XVI COMPONENT III HANDOUTS (Continued)**3-0950**

- Interim Guide to the Evaluation of Small Family Homes Caring for Children with Special Health Care Needs (Small Family Homes)

NOTE: Forms without the LIC number or documents created to meet the intent of statutes and/or regulations must not be distributed without approval from the Forms Management Coordinator in the Policy Development Bureau.

3-0961 GENERAL STATEMENT**3-0961**

The purpose of this document is to set forth the procedures to be used when accepting, evaluating, issuing/denying Preliminary Approvals. In addition, it will provide guidance for monitoring of Continuing Care Retirement Communities once a Residential Facility for the Elderly license and a Certificate of Authority is issued.

Continuing care (and life care) contracts involve a promise to provide future care in exchange for the transfer of money or property. These contracts are usually associated with Continuing Care Retirement Communities. A provider must obtain a Certificate of Authority prior to entering into continuing care contracts with residents. Before a certificate of Authority can be issued, the facility must first be licensed as a residential care facility for the elderly. Therefore, an applicant for a Certificate of Authority must also file a residential care facility for the elderly application.

The application process for a Certificate of Authority often takes three to five years due to various presale requirements and the need for construction. Because of the long timeframes involved, processing of the residential care facility application does not follow normal procedures. The Community Care Licensing Regional Office is required to conduct a preliminary review of the residential care facility application to determine the applicant's ability and intent to meet all statutory and regulatory requirements for residential care facilities for the elderly. Upon determination that the applicant has provided satisfactory evidence of ability and intent, the Regional Office must issue a Preliminary Approval. A Preliminary Approval, however, is not a guarantee that a residential care facility for the elderly license will be issued by the Regional Office.

3-0962 CONTINUING CARE CONTRACTS BRANCH**3-0962**

The Continuing Care Contracts Branch is mandated by statute to monitor Continuing Care Contracts Branches. The Continuing Care Contracts Branch must evaluate Continuing Care Retirement Community applicants for marketing, economic, and financial feasibility. Some of the monitoring activities are to review: (1) providers' annual financial statements and reserve reports for financial health; (2) providers' ability to meet future contractual obligations; and (3) continuing care contracts for compliance with statutes governing Continuing Care Retirement Communities.

3-0962 CONTINUING CARE CONTRACTS BRANCH (Continued)**3-0962**

When the Regional Office staff is evaluating a residential care facility for the elderly application involving continuing care, close coordination is necessary with the Continuing Care Contracts Branch staff. Responsibility for reviewing and approving certain parts of the residential care facility for the elderly application, such as contract language and financial solvency, is assigned to the Continuing Care Contracts Branch. Regional Office staff are encouraged to call the Continuing Care Contracts Branch if they have any questions or problems, or if they receive additional significant information impacting the project. Questions from prospective residents, the media, etc. should be directed to the Continuing Care Contracts Branch.

The Continuing Care Contracts Branch will send green "Continuing Care Retirement Communities Status Sheets" to Regional Offices providing the name of the Continuing Care Contracts Branch analyst assigned to the project, his/her telephone number, and the status of the facility (i.e., application, permit to accept deposits issued, provisional or final certificate of authority issued). This status sheet shall be placed in the case file so that the facility is readily identifiable as a Continuing Care Retirement Community. If a status sheet is received and an application has not yet been received in the Regional Office, call the Continuing Care Contracts Branch analyst immediately.

3-0963 PRELIMINARY APPROVAL**3-0963**

The case file should be set up just as any other residential care facility application. The application may pend for five years, but will not be considered an overdue application for statistical purposes.

Because residential care facilities for the elderly applications involving preliminary approval are submitted during the developmental stages of a continuing care contract project, the initial application constitutes an abbreviated residential care facility for the elderly application, which contains only limited information. The application which meets the criteria in this guideline should not be returned as incomplete. Additional information will be received prior to licensure to fully comply with all residential care facilities for the elderly licensing requirements.

An application for Preliminary Approval is considered complete when all the following have occurred:

1. A facility representative has attended part one (the all-day session) of the residential care facility for the elderly orientation.
2. The following documents have been submitted and found to be acceptable by the Regional Office:

3-0963 PRELIMINARY APPROVAL (Continued)**3-0963**

- a. Residential Care Facility for the Elderly application (LIC 200). One indicator of possible denial of an initial application is an unacceptable record with other already licensed facilities. The analyst shall check for information about the performance of other facilities licensed to the applicant, prior to issuing the Preliminary Approval.
- b. Applicant Information (LIC 215).
- c. Administrative Organization (LIC 309).
- d. Partnership Agreement/Articles of Incorporation. A copy of the partnership agreement if applicant is a partnership. If applicant is a limited partnership, a copy of the Certificate of Limited Partnership filed with the Secretary of State Seal, and a copy of the by-laws if applicant is a corporation.
- e. A general overview of the program philosophies, goals, persons accepted for care, basic and optional services and activities in the program, etc. This may be brief at this preliminary state, but shall be revised/completed to meet the requirements of all "Section b" during the final months of the application process.
- f. Proposed continuing care contract. The continuing care contract takes the place of an admission agreement. The Continuing Care Contracts Branch is responsible for review of this contract.
- g. An 8-1/2 x 11" sketch of the facility physical plant and site plan. The Regional Office is responsible for submitting the sketch or blueprint and site plan to the appropriate fire inspector for determination of whether the facility conforms to fire safety standards for residential care facilities for the elderly. The request for plan review will be transmitted on a Fire Clearance Request (STD 850) form. It must be stated on the form that construction is pending, which units are to be cleared for nonambulatory use, and most importantly, that all areas of the facility premises, which are not covered by a health facility license, must meet fire safety standards for residential care facilities for the elderly licensure. All units must be appropriately fire cleared and licensed.

The decision to issue a Preliminary Approval shall not be delayed pending approval of a sketch, blueprint or plot plan by the fire inspector.

3-0963 PRELIMINARY APPROVAL (Continued)**3-0963**

- h. Evidence of control of property. This may be in the form of a deed, ground lease, rental agreement, etc. A copy of any contract that may exist with a management company or facility operator must also be submitted.
- i. Documentation that fingerprints have been submitted for the applicant. If the Caregiver Background Check Bureau has informed the Regional Office that the applicant has a record of criminal convictions, follow procedures in Regulation Section 87219.

The decision to issue a Preliminary Approval shall not be delayed pending receipt of criminal record information from the Department of Justice.

- 3. Residential care facilities for the elderly application fee has been paid.

When the application has been submitted, the Regional Office will determine whether the application is complete, if the applicant has demonstrated intent and ability to comply with residential care facilities for the elderly regulations, and whether to issue a Preliminary Approval. The Preliminary Approval will remain valid as long as the applicant holds a valid Permit to accept deposits for Continuing Care, until withdrawal of the permit, or until issuance or denial of the residential care facility license.

If the decision is to **Approve**:

- a. The Procedures Checklist for Residential Care Facilities for the Elderly Applications with Continuing Care Facilities is to be completed and placed in the case file. A copy is mailed to the Continuing Care Contract Branch.
- b. The Preliminary Approval for Residential Care Facilities for the Elderly Applications with continuing Care Contracts form is to be completed and issued to the applicant. It is the applicant's responsibility to submit this approval to the Continuing Care Contract Branch. (However, a copy should be retained in the Regional Office case file.)

If the decision is to **Deny** (either before or after the issuance of the Preliminary Approval:

- a. Advise the applicant of the reason(s) for denial and right to appeal, as specified in California Code of Regulations, Section 87340.
- b. A copy of the Procedures Checklist indicating denial and a copy of the denial letter is sent to the Continuing Care Contract Branch.

3-0963 PRELIMINARY APPROVAL (Continued)**3-0963**

If the application is **withdrawn**:

- a. Send a copy of the Procedures Checklist indicating applicant's withdrawal to the Continuing Care Contract Branch.

**3-0964 PROCESSING RESIDENTIAL CARE FACILITIES
FOR THE ELDERLY APPLICATIONS****3-0964**

At the time of issuance of the Preliminary Approval, the Regional Office shall inform the applicant that:

1. The Preliminary Approval is not a Residential Facility for the Elderly License.
2. There is no guarantee that a license will be issued.
3. Facility physical plant and site plans/blueprints must be reviewed by the licensing agency and the fire authority before ground breaking or start of construction.
4. When construction is complete, review of the residential care facility for the elderly application will resume; the applicant must submit any remaining information required for licensure.

When the additional information is received, procedures for review of the residential care facility for the elderly application and issuance of the license are conducted in the same manner as any other residential care facility for the elderly.

**3-0965 ISSUANCE/DENIAL OF RESIDENTIAL CARE FACILITIES
FOR THE ELDERLY LICENSE****3-0965**

Close coordination is necessary between the Regional Office and the Continuing Care Contract Branch analyst, particularly during the last several months prior to licensure. Residential care facility for the elderly licensure will be concurrent, with a few exceptions, with the issuance of a Provisional Certificate of Authority by the Continuing Care Contract Branch. It is important to coordinate with the Continuing Care Contract Branch to ensure that the proper entities are named on the license. Contact the Continuing Care Contract Branch when the residential care facility for the elderly license is approved and send a copy of the residential care facility for the elderly license to the Continuing Care Contract Branch when issued.

If, in reviewing the residential care facility for the elderly application, indications seem to be leading toward denial of the residential care facility for the elderly license, the Regional Office must call the Continuing Care Contract Branch immediately, and send a follow-up memorandum to the Continuing Care Contract Branch analyst.

3-0966 FACILITY EVALUATIONS/ANNUAL VISITS**3-0966**

The most important thing to remember when evaluating this type of residential care facility for the elderly is that all areas of the continuing care retirement community must be licensed as either a residential care facility for the elderly or a skilled nursing facility. When a continuing care contract is involved, the entire facility must be licensed so that care can be legally provided.

Many providers refer to their residential units as “independent” living units. This phrase is misleading. Residents may be housed in apartments, condominium units, cottages, villas, or houses that look like a subdivision, and may, in fact, even hold property title to their living units. **However, all units must be appropriately fire cleared and licensed.** These units should be included in the sample of those inspected by Regional Office staff when conducting facility evaluations, annual visits, focused visits or complaint investigations. Ensure that these residents have been assessed at the proper level of care and are receiving services appropriate to their needs and functional status.

Continuing care contracts encompass the residential care facility for the elderly admission agreement in Continuing Care Retirement Communities. The Continuing Care Contract Branch is responsible for reviewing continuing care contracts for compliance with Continuing Care Contract statutes. However, Continuing Care Retirement Communities may house both continuing care residents and residential care for the elderly residents not under continuing care contracts. For those residents not under continuing care contracts, the admission agreement is reviewed by the Regional Office just as in any other residential care facility for the elderly facility.

All other aspects of facility evaluations or visits should be conducted as outlined in Residential Care Facility for the Elderly Regulations, Policies and Procedures and the following sections of the Evaluator Manual.

Where the facility can demonstrate that its residents function independently, some residential care facilities for the elderly licensing regulations may not be applicable. For example, many residents may choose to cook their own meals or eat meals at a restaurant, or provide their own toothpaste, soaps, cleaning solutions and linens. Many residents also prefer to utilize their personal furniture. The licensee may permit those residents to store disinfectants, cleaning solutions, poisons, and other items which should not pose a danger provided the residents continue to demonstrate competence in the proper use of these items.

3-0967 COMPLAINTS, NON-COMPLIANCE AND ADVERSE ACTIONS 3-0967

If a complaint is received regarding a Continuing Care Retirement Community, the Regional Office will investigate with the same level of scrutiny as other residential care facilities for the elderly. A copy of the LIC 9099 will be sent to the Continuing Care Contract Branch by the Regional Office when completed.

Whenever a Continuing Care Retirement Community facility is considered non-compliant or an adverse action is contemplated against a Continuing Care Retirement Community, the Regional Office shall immediately notify the Continuing Care Contract Branch as it may be necessary to condition, restrict or revoke the Certificate of Authority.

If you suspect a residential care facility for the elderly is entering into continuing care contracts with residents without a Certificate of Authority, notify the Continuing Care Contract Branch immediately. Each violation for entering into illegal continuing care contracts is subject to a fine not to exceed \$10,000 or by imprisonment in the county jail for a period not to exceed one year, or both the fine and imprisonment.